

Extra Ordinary Part - IV / 2000

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd March, 2000 is hereby published for general information.

Kum. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 2nd March, 2000).

AN ACT

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat State Guarantees (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on the 10th December, 1999.

Guj. XXII
of 1963.

2. In the Gujarat State Guarantees Act, 1963 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), for the letters and figures "Rs. 110,00,00,00,000", the letters and figures "Rs. 140,00,00,00,000" shall be substituted.

Short title
and
commencement.

Amend-
ment of
section 2
of Guj.
XXII of
1963.

Repeal and
savings.

3. (1) The Gujarat State Guarantees (Amendment) Ordinance, 1999 Guj. Ord.
is hereby repealed. 4 of 1999.

(2) Notwithstanding such repeal, anything done or any action taken
under the principal Act, as amended by the said Ordinance shall be deemed
to have been done or taken under the principal Act, as amended by this Act.

Extra No. 2



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PART - IV

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Kum. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 2nd March, 2000):

AN ACT

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Fifty - first Year of the Republic of India as follows :-

Guj. 1 of
1970.

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2000.

Short title and
commencement.

(2) It shall be deemed to have come into force on and from the 1st January, 2000.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as the "principal Act"), in Schedule I, the entry at serial No. 26 shall be deleted.

Amendment of
Schedule I to
Guj. 1 of 1970.

3. In the principal Act, in Schedule II, in Part A,—

(1) the entry at serial No. 12 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

Amendment of
Schedule II,
Part A to Guj. 1
of 1970.

1	2	3	4
" (ii) Diamond whether polished or not, synthetic precious stones and other precious stones, synthetic diamond powder.		One paise in the rupee	One paise in the rupee.;

(2) in the entry at serial No. 13A, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(3) in the entry at serial No. 15, in columns 3 and 4, for the words "one half paise", the words "One paise" shall be substituted;

(4) in the entry at serial No. 19, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(5) in the entry at serial No. 20, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(6) in the entry at serial No. 23, in sub-entries (i) and (ii), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(7) in the entry at serial No. 25, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(8) in the entry at serial No. 31, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(9) in the entry at serial No. 32, in columns 3 and 4, for the words "Twelve paise", the words "Twenty paise" shall be substituted;

(10) in the entry at serial No. 42, in sub-entry (i), in columns 3 and 4, for the words "Eight paise", the words "Twenty paise" shall be substituted;

(11) in the entry at serial No. 43, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(12) in the entry at serial No. 44, in sub-entry (B), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(13) in the entry at serial No. 48, in columns 3 and 4, for the words "Two paise", the words "Twelve paise" shall be substituted;

(14) in the entry at serial No. 51, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(15) the entry at serial No. 59 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

1	2	3	4
" (ii) Sewing threads		Four paise in the rupee	Four paise in the rupee.;

(16) in the entry at serial No. 60, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(17) in the entry at serial No. 66, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(18) for the entry at serial No. 77, the following entry shall be substituted, namely:-

1	2	3	4
"77	(i) Bricks	Eight paise in the rupee	Eight paise in the rupee;
	(ii) Roofing tiles (other than <i>Deshi Nalia</i> and <i>Manglori Nalia</i>)	Six paise in the rupee	Six paise in the rupee";

(19) in the entry at serial No. 94, in sub-entry (i), in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(20) in the entry at serial No. 97,—

(a) after sub-entry (C), the following sub-entry shall be inserted, namely:-

1	2	3	4
"(CC)(i) Television reception instruments such as all types of television sets television projection equipments, close circuit Television and T.V. monitor		Twelve paise in the rupee.	Twelve paise in the rupee.;
(ii) Video Casette Recorders, Video Casette players, Video cameras and combination of any of these instruments.			
(iii) Electronics games, Electronics toys and instruments for playing electronics games and toys.			

(b) in sub-entry (D),—

(i) the items at serial No. (2), (7) and (9) shall be deleted;

(ii) in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(21) after entry at serial No. 97, the following entry shall be inserted, namely:-

1	2	3	4
"97A	Earth-moving equipment	Eight paise in the rupee	Eight paise in the rupee";

(22) in the entry at serial No. 100 A, for sub-entry (iv), the following sub-entries shall be substituted, namely:-

1	2	3	4
" (iv) Meat, Fish and all Sea food.		Four paise in the rupee	Four paise in the rupee
(v) Processed vegetables		Four paise in the rupee	Four paise in the rupee";

(23) in the entry at serial No. 102, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(24) in the entry at serial No. 104,-

(a) in sub-entry (i),

(i) in column 2, after the word "except", the words "Steel furniture," shall be inserted;

(ii) in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(b) in sub-entry (ii), in columns 3 and 4, for the words "Eight paise", the words "Twelve paise" shall be substituted;

(c) after sub-entry (ii), the following sub-entry shall be inserted, namely:-

1	2	3	4
"	(iii) Steel furniture	Twelve paise in the rupee	Twelve paise in the rupee";

(25) in the entry at serial No. 112, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(26) in the entry at serial No. 124, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(27) in the entry at serial No. 128,-

(a) in sub-entries (1), (2), (4) and (5), in columns 3 and 4, for the words "Four paise", the words "Twelve paise" shall be substituted;

(b) in sub-entry (3), in columns 3 and 4, for the words, "Six paise", the words "Eight paise" shall be substituted;

(28) in the entry at serial No. 133, in sub-entries (i) to (vi), in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(29) in the entry at serial No. 139, in columns 3 and 4, for the words "Eight paise", the words "Twelve paise" shall be substituted;

(30) in the entry at serial No. 140,-

(a) in sub-entry (i), in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(b) in sub-entry (ii), in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(31) the entry at serial No. 151 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

1	2	3	4
"(ii) Sewing machines (operated by electrical power) and spares parts and accessory thereof		Eight paise in the rupee	Eight paise in the rupee";

(32) in the entry at serial No. 167, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(33) in the entry at serial No. 178, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(34) in the entry at serial No. 182,-

- (a) in sub-entries (i), (ii) and (iii), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;
- (b) for sub-entry (iv), the following sub-entries shall be substituted, namely:-

1	2	3	4
"(iv) Utensil made of other metals.		Four paise in the rupee.	Four paise in the rupee.
(v) Articles made of stainless steel		Twelve paise in the rupee	Twelve paise in the rupee.;

(35) in the entry at serial No. 183, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(36) for the entry at serial No. 184 C, the following entry shall be substituted, namely:-

1	2	3	4
"184 C(A)	(i) Variali (ani seeds), (ii) Methi (Fenguru seeds) (iii) Ajma (Ajwa) (iv) Kalingada seeds (v) Asalia	Two paise in the rupee.	Two paise in the rupee.
(B)	Jira (Cumin seeds)	Four paise in the rupee	Four paise in the rupee.;

(37) in the entry at serial No. 186, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted.

Repeal and savings.

4.(1) The Gujarat Sales Tax (Amendment) Ordinance, 1999 is hereby repealed.

Guj. Ord. 5 of 1999.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

V-Ex- 2-2

C



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd March, 2000 is hereby published for general information.

Kum. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 2nd March, 2000).

AN ACT

further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 2000.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 3rd December, 1999.

2. In the Gujarat Municipalities Act, 1963, (hereinafter referred to as "the principal Act"), in section 33, for sub-section (1), the following shall be substituted, namely:—

Amend-
ment of
section 33
of Guj. 34
of 1964.

Guj. 34
of 1964.

"(1) (a) The term of office of the President of a municipality constituted upon the general election held after the commencement of the Gujarat Municipalities (Amendment) Act, 2000 shall be two and a half years. Guj. 3 of 2000.

(b) The term of office of the President of a municipality existing on the commencement of the said Act, shall be one year.

(c) Subject to the other provisions of this section, the President shall be eligible for re-election."

Repeal
and
savings.

3. (1) The Gujarat Municipalities (Amendment) Ordinance, Guj. Ord. 3 of 1999. 1999 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(C)



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 14th March, 2000 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2000.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 14th March, 2000).

AN ACT

to consolidate law relating to regulation of the construction, maintenance and safe operating of lifts and escalators and the machinery and apparatus pertaining thereto in the State of Gujarat.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows : -

1. (1) This Act may be called the Gujarat Lifts and Escalators Act, 2000.
Short title,
extent and
commencement.
 - (2) It extends to the whole of the State of Gujarat.
 - (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires, -
 - (a) "Baluster" means a short pillar slender above and bulging below;
 - (b) "Balustrade" means a row of balusters meant for supporting moving handrails;
 - (c) "Chief Inspector" and "Inspector" means respectively the person appointed to be the Chief Inspector of lifts and escalators and the Inspector of lifts and escalators under sub-section (1) of section 15;

Definitions.

(d) "combplate" means a pronged plate that forms part of an escalator landing and engages with the cleats of the steps at the limits of travel;

(e) "escalator" means a power driven inclined continuous stairway used for raising or lowering passengers;

(f) "escalator installation" includes the escalator, the track, the trusses or girders, the balustrading, the step treads and landings and all chains, wires and plants directly connected with the operation of the escalator;

(g) "licence" means a licence granted under section 4;

(h) "lift" means an appliance designed to transport persons or materials between two or more levels in a vertical or substantially vertical direction by means of a guided car or platform;

(i) "lift car" means the load carrying unit with its floor or platform car frame and enclosing body work;

(j) "lift installation" includes the lift car, the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wires and plant, directly connected with the operation of the lift;

(k) "power" means any form of energy which is not generated by human or animal agency;

(l) "prescribed" means prescribed by rules;

(m) "rated speed" means the speed at which the lift or escalator is designed to operate;

(n) "rules" means rules made under this Act.

3. (1) Every owner of a place intending to instal a lift or an escalator in such place after the commencement of this Act, shall make an application in such form as may be prescribed, to such officer as the State Government may authorise in this behalf, for permission to erect such lift or escalator. Such application shall specify-

- (a) the type of the lift or escalator;
- (b) the rated maximum speed of the lift or the speed at which the escalator is designed to operate;
- (c) the maker's or designer's rated capacity in weight;
- (d) the maximum number of passengers in addition to the lift operator which the lift can carry;
- (e) the total weight of the lift car carrying the maximum load;
- (f) the weight of the counter weight of the lift;
- (g) the number, description, weight and size of the supporting cables of the lift or escalator;
- (h) the depth of the pit from the lowest part of the car when at the lowest floor of lift;
- (i) such details of the construction of the overhead arrangement with the weights and size of the beams for the lift, as may be prescribed;

Permission to
erect lift or
escalator.

- (j) angle of inclination for escalator;
- (k) type of balustrading in escalator;
- (l) the width between balustrades in escalator;
- (m) details of handrails, steps treads, landing, combplates, trusses or girders and step wheel tracks in escalator;
- (n) the rated load in Kilogrammes on escalator;
- (o) the factor of safety based on the static loads in the lift or escalator; and
- (p) such other particulars as may be prescribed.

(2) On receipt of an application under sub-section(1), the officer authorised under this section shall, after making such inquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Chief Inspector. The Chief Inspector may there upon either grant or refuse the permission to erect lift or escalator. The permission so granted shall be valid for a period of six months from the date on which it is granted or for such further period not exceeding six months as may be allowed by the Chief Inspector for sufficient reasons.

(3) On grant of permission under sub-section (2), the owner shall get his lift or escalator erected by a person authorised under section 13.

4. (1) The owner who is permitted to instal a lift or escalator under section 3 shall, within one month after the completion of erection of such lift or escalator, make an application to such officer as the State Government may authorise in this behalf, for a licence for operating the lift or an escalator.

(2) An application for licence made under sub-section (1) shall be in such form and accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (1), such officer may, after making such inquiry as may be necessary, forward the application with his remarks to the Chief Inspector.

(4) If the Chief Inspector is satisfied that the applicant has complied with the requirements of the provisions of this Act, he may grant the licence to use lift or escalator in such form and on such terms and conditions as may be prescribed:

Provided that where the Chief Inspector refuses to grant the licence, he shall give a reasonable opportunity of being heard to the applicant.

(5) The owner who has been granted licence under sub-section (4) shall get his lift or escalator maintained by a person authorised under section 13.

5. (1) Notwithstanding anything contained in sections 3 and 4, every owner of a place in which a lift or an escalator has been installed before the date of the commencement of this Act shall, within three months from such date apply for a licence for operating of such lift or escalator.

(2) The provisions of sub-sections (2) and (3) of section 4 shall, as far as may be, apply to such application.

Licence to use lift or escalator.

Application for licence in case of existing lifts and escalators.

Duration and renewal of licence.

6. (1) Every licence shall be valid for a period of three years from the date on which it is granted.

(2) A licence may be renewed on an application made in that behalf to the Chief Inspector in such form and accompanied by such fee as may be prescribed alongwith the report made under section 16 and every such application shall be made not less than thirty days before the date on which the period of validity of the licence is due to expire.

Lift or escalator not to be operated without licence.

7. No lift or escalator shall be operated except under and in conformity with the terms and conditions of the licence granted in respect of the same.

Suspension or cancellation of licence.

8. If the licensee has contravened any of the provisions of the Act or rules or any of the conditions of the licence or directions given to him, the Chief Inspector may, after giving a reasonable opportunity of being heard, suspend the licence for such period as he thinks fit or cancel it.

Additions and alterations to lift or escalator installation.

9. No additions or alterations other than those required to be made under sub-section (2) of section 10 shall be made to any lift or escalator installation except with the previous permission in writing of an officer authorised in this behalf by the State Government.

Right to enter any building for inspection of lift or escalator and lift or escalator installation, etc.

10. (1) An officer authorised in this behalf by the State Government or a person authorised under section 13 may, at any time after giving a reasonable notice to the occupant, enter upon any building in which a lift or an escalator is installed or is being installed or in connection with which an application has been made for licence, for the purpose of inspecting the lift or escalator or lift or escalator installation or the site thereof.

(2) The officer, on such inspection, or on the basis of report made under sub-section (3) of section 16 is of the opinion that any lift or escalator in any building is in unsafe condition, he may direct by an order to the owner of the building or his agent appointed under sub-section (2) of section 14 to make such repairs or alterations to be made to such lift or escalator as he may deem necessary, within the time specified therein and may also if necessary, order the use of such lift or escalator to be discontinued until such repairs or alterations are made or such unsafe condition is removed. The owner or, as the case may be, his agent shall thereupon comply with the order within the period specified therein and shall forthwith report in writing to the officer of having so complied with.

Appeal.

11. (1) Any person aggrieved by an order of the Chief Inspector made under sub-section (4) of section 4 or section 8, may within thirty days from the date of such order, appeal to the State Government.

(2) Any person aggrieved by an order of the officer made under sub-section (2) of section 10, may within thirty days from the date of such order, appeal to the Chief Inspector.

(3) Any person aggrieved by an order of the Chief Inspector made under sub-section (2), may within thirty days from the date of such order, appeal to the State Government.

(4) An appellate authority may pass such order on appeal as it deems just and proper.

(5) The order made by the Chief Inspector on appeal, shall be subject to the appeal to the State Government, and the decision of the State Government on appeal shall be final and shall not be called in question in any court.

(6) Notwithstanding any appeal made under this section, any order to discontinue the use of lift or escalator made by the officer under sub-section (2) of section 10 shall be complied with unless the appellate authority has suspended such order.

12. The owner of a building in which a lift or an escalator is installed or his agent appointed under sub-section (2) of section 14 shall afford all reasonable facilities to the officer or a person authorised under section 13 for inspecting a lift or an escalator under sections 10 and 16 and whenever ordered to do so by the officer shall, at his own cost, procure at such inspection the attendance of the person, if any, with whom he has entered into a contract for the erection or maintenance of the lift or an escalator (being a person authorised under section 13 for the work of erection or maintenance of a lift or an escalator) or a representative of such person who is competent to assist the officer in inspecting the lift or an escalator.

Owner to give facilities for inspection.

13. (1) The Chief Inspector may authorise a person for the purpose of carrying out erection, maintenance, inspection and test of lift or escalator.

Authorisation to a person for erection, maintenance, inspection and test.

(2) The manner, terms and conditions and the fees for authorisation under sub-section (1) shall be such as may be prescribed.

(3) No person shall be authorised under sub-section (1) unless he fulfils qualifications and such other requirements as may be prescribed.

14. (1) Where any accident occurs in the operation of any lift or escalator which results or is likely to have resulted in loss of human life or injury to any person, the owner of the building in which the lift or escalator is working or if such owner has appointed an agent and has communicated his name to the Inspector under sub-section (3), such agent, shall as soon as may be after such accident, give notice in such form and in such manner as may be prescribed, with full details of the accident to the Inspector and also in the area for which a Commissioner of Police has been appointed, to the Commissioner of Police and elsewhere to the District Magistrate or such other officer as the State Government may, by order, specify and the lift or escalator installation shall not be interfered with in any manner and the working of such lift or escalator shall not be resumed except with the written permission of the officer authorised in this behalf by the State Government.

Report of accidents and inquiries.

(2) For the purposes of sub-section (1), the owner of every building in which a lift or an escalator has been installed, or in the case where such owner does not reside in such building, an agent (who shall be a resident in the town or village in which the building is situate) appointed by the owner, shall give notice of any accident occurring in the operation of the lift or escalator.

(3) The name of every agent appointed under sub-section (2) shall be communicated in writing to the Inspector.

(4) The State Government may authorise the Inspector or any other competent person appointed in this behalf, to inquire and report—

(a) as to the cause of any accident affecting the safety of the persons which may have been occasioned by, or in connection with, the lift or escalator installation, or

(b) as to the manner in, and extent to, which the provisions of this Act or the rules made thereunder so far as those provisions affect the safety of any person, have been complied with.

(5) Every Inspector or other person holding an inquiry under sub-section (4) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witness and compelling the production of documents and material objects; and every person required by an Inspector or such other person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

V of 1908.

Appointment of
Chief Inspector,
Inspectors and
Assistant
Inspectors of
lifts and
escalators.

15. (1) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified as Electrical Inspector under the Indian Electricity Act, 1910, to be-

XLV of 1860.

- (a) the Chief Inspector of lifts and escalators;
- (b) the Inspector of lifts and escalators.

(2) The Chief Inspector so appointed shall, in addition to the powers conferred on him under this Act, exercise the powers of an Inspector throughout the State.

(3) Every Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lift or escalator installations and subject to such restrictions as the State Government may direct.

(4) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified to assist an Electrical Inspector under the Indian Electricity Act, 1910 to be the Assistant Inspector of lifts and escalators.

IX of 1910.

Inspection of
lifts and
escalators and
charging of fees.

16. (1) Every lift or escalator-

(a) shall be inspected by the officer authorised in this behalf by the State Government,-

(i) before the grant of a licence under section 4; and

(ii) in every three years from the date of grant of licence;

(b) may be inspected by such officer to check up compliance with the order made under sub-section (2) of section 10, if necessary.

(2) Notwithstanding anything contained in sub-section (1), the owner of a building in which a lift or an escalator is installed, shall get his lift or escalator inspected and tested by a person authorised under section 13 at an interval of every six months from the date of grant of licence under section 4 and shall submit such inspection and test report to the Chief Inspector.

(3) The officer authorised under clause (a) of sub-section (1) and the person who has inspected and tested the lift or escalator under sub-section (2) shall submit their report to the Chief Inspector in such form as may be prescribed.

(4) The fee as may be prescribed shall be paid by the owner of the building in which the lift or escalator is installed for each inspection under sub-section (1) and such fee shall be inclusive of the fee for the inspection of electrical installation attached to the lift or escalator installation. The fee shall be paid within such period and in such manner as may be prescribed.

(5) Where the owner or any person liable to pay fee under this section does not pay the same within the prescribed period, there shall be paid by such owner for the period commencing immediately after the prescribed period and ending on the date of payment of fees, simple interest at the rate of twenty-four per cent per annum on the amount of fees not so paid.

17. All sums payable as fees or interest under this Act shall be recoverable as arrears of land revenue.

Recovery of fees, etc.

18. Whoever contravenes any of the provisions of this Act, rules or the conditions of a licence or a direction given by the Chief inspector or the inspector under this Act or the rules shall, on conviction, be punishable with fine not exceeding five thousand rupees and, in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

Penalty.

19. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation . - For the purpose of this section, -

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

20. No court shall take cognizance of any offence under this Act except with the previous sanction of the Chief Inspector or the State Government.

Cognizance of offences.

21. (1) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left,-

Service of notices, orders or documents.

(a) where a local authority is the addressee, at the office of the local authority,

(b) where a company is the addressee, at the registered office of the company or in the event of the registered office of the company not being in India, at the head office of the company in India,

(c) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or the agent of the owner or the occupant of any premises shall be deemed to be properly addressed, if addressed by the description of the "owner" or "agent of the owner" or "occupant" of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Protection for acts done in good faith.

22. No suit, prosecution or other legal proceedings shall be instituted against any officer for anything which is in good faith done, or intended to be done under this Act or the rules or orders made thereunder.

Application of Act to lifts or escalators belonging to Government.

23. In the application of the provisions of this Act to lifts or escalators installed by the Government, the provisions of this Act shall be deemed to have been adopted or modified to the extent specified in the Schedule.

Power to make rules.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) the specifications for lifts and escalators;
- (b) the manner in which erection plans of lifts and escalators shall be submitted;
- (c) the manner in which the lifts and escalators may be tested;
- (d) the form of application for permission to erect a lift or escalator under sub-section (1) of section 3;
- (e) details of the construction of the overhead arrangement with the weights and sizes of the beams under item (i) of sub-section (1) of section 3;
- (f) other particulars which the application for permission to erect a lift or an escalator shall specify under item (u) of sub-section (1) of section 3;
- (g) the form in which an application for licence shall be made and the fee which shall accompany such application under sub-section (2) of section 4;
- (h) the form in which and the terms and conditions on which the licence may be granted for the working of a lift or an escalator under sub-section (4) of section 4;
- (i) the form in which an application for renewal of licence shall be made and the fee which shall accompany such application under sub-section (2) of section 6;
- (j) the form of notice to be given under sub-section (1) of section 10;
- (k) the form in which an application for obtaining authorisation shall be made and the fee and the particulars which shall accompany such application under sub-section (2) of section 13.
- (l) the qualifications and other requirements for obtaining authorisation under sub-section (3) of section 13;
- (m) the form and the manner in which notice of accident shall be given under sub-section (1) of section 14;
- (n) the rate of fee which shall be charged for inspection of every lift or escalator and the period within which and the manner in which such fee shall be paid under sub-section (4) of section 16;
- (o) any other matter which is to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

25. Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910 or any rules made thereunder.

Provisions of
Indian
Electricity Act
not affected.

Bom. X of 1939. 26. On the commencement of this Act, the Bombay Lifts Act, 1939 in its application to the State of Gujarat, shall stand repealed:

Repeal and
savings.

Provided that such repeal shall not affect the previous operation of the said Act and anything done or action taken (including any appointment or delegation made, application or other document filed, licence granted, inquiry or inspection made, notification or notice issued, rule made, proceeding instituted, fees recovered or penalty imposed) by or under the provisions of the said Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

SCHEDULE
(See section 23).

(1) In section 5, in sub-section (1), for the words "every owner", the words "every Government Officer-in-charge" shall be substituted.

(2) In section 14, in sub-section (2),-

(i) for the words begining with the words "the owner of every building" and ending with the words "in such building", the following shall be substituted, namely :-

"for every building in which a lift or an escalator has been installed by Government, the Government or";

(ii) for the words "appointed by the owner" the words "appointed by the Government" shall be substituted.

(3) In section 21, in sub-section (1), for clause (a), the following shall be substituted, namely :-

"(a) where Government is the addressee, at the office of the agent appointed by Government under sub-section (2) of section 14".

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EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 14th March, 2000 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2000.

(First published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 14th March, 2000).

AN ACT

to provide for the acquisition of right of user in land for laying water pipelines and gas pipelines in the State of Gujarat and for the matters connected therewith.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Water and Gas Pipelines (Acquisition of Right of User in Land) Act, 2000.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,—
 - (a) “competent authority” means any person or authority authorised by the State Government by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act ;

Short title,
extent and
commencement.

Definitions.

(b) "corporation" means any body corporate established under any Gujarat Act and includes—

- a Company formed and registered under the Companies Act, 1956; 1 of 1956.
- a Company formed and registered under any law relating to companies formerly in force in any part of India;

(c) "gas" means a matter in gaseous state which predominantly consists of methane;

(d) "prescribed" means prescribed by rules made under this Act.

Publication of notification for acquisition.

3. (1) Whenever it appears to the State Government that it is necessary in the public interest that for the transport of water or, as the case may be, gas from one area to another area, pipelines may be laid by the State Government, or, the Corporation and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in any land under which such pipelines may be laid, it may, by notification in the *Official Gazette*, declare its intention to acquire the right of user therein.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published at such places and in such manner as may be prescribed.

4. (1) Any person interested in the land may, within thirty days from the date of the publication of notification under sub-section (1) of section 3, object to the laying of the pipelines under the land.

(2) Every objection shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and may, after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order either allow or disallow the objections.

(3) Any order made by the competent authority under sub-section (2) shall be final.

Power to enter, survey, etc.

5. On the issue of a notification under sub-section (1) of section 3, it shall be lawful for any person authorised by the State Government or, as the case may be, the Corporation which proposes to lay pipelines for transporting water or, as the case may be, gas and its servants and workmen—

- to enter upon and survey and take levels of any land specified in the notification;
- to dig or bore into the sub-soil;
- to set out the intended line of work;
- to mark such levels, boundaries and line by placing marks and cutting trenches;
- where otherwise survey cannot be completed and levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle; and
- to do all other acts necessary to ascertain whether pipelines can be laid under the land;

Provided that while exercising any power under this section, such person or any servant or workman of such person shall cause a little damage or injury as possible to such land.

Declaration of acquisition of right of user.

6. (1) Where no objection under sub-section (1) of section 4 has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, that authority shall, as soon as may be, submit a report accordingly to the State Government and upon

receipt of such report, the State Government shall declare, by notification in the *Official Gazette*, that the right of user in the land for laying the pipelines shall be acquired.

(2) On the publication of the declaration under sub-section (1), the right of user in the land shall vest absolutely in the State Government free from all encumbrances.

(3) Where in respect of any land, a notification has been issued under sub-section (1) of section 3, but no declaration under this section has been published within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of the said period.

(4) Notwithstanding anything contained in sub-section (2), the State Government may, on such terms and conditions as it may think fit, to impose, direct by order in writing that the right of user in the land for laying the pipelines shall, instead of vesting in the State Government, vest, either on the date of publication of the declaration or, on such other date as may be specified in the order, in the Corporation proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that Corporation free from all encumbrances.

7. (1) Where the right of user in any land has vested in the State Government or, as the case may be, the Corporation under section 6—

(i) it shall be lawful for any person authorised by the State Government or, as the case may be, the Corporation, and its servants and workmen to enter upon the land and lay pipelines or to do any other thing necessary for the laying of pipelines:

Provided that no pipeline shall be laid under—

- (a) any land which, immediately before the date of the publication of notification under sub-section (1) of section 3, was used for residential purposes; or
- (b) any land on which there stands any permanent structure which was in existence immediately before the said date; or
- (c) any land which is appurtenant to a dwelling house; or
- (d) any land at a depth which is less than one metre from the surface; and

(ii) such land shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other thing necessary for any of the aforesaid purposes or for the utilisation of such pipelines.

(2) If any dispute arises with regard to any matter referred to in paragraph (b) or (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

8. For maintaining, examining, repairing, altering or removing any pipeline, or for doing any other thing necessary for the utilisation of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorised in this behalf by the State Government or, as the case may be, the Corporation may, after giving reasonable notice to the occupier of the land under which the pipeline has been laid, enter therein with such workmen and assistants as may be necessary:

Provided that, where such person is satisfied that an emergency exists, no such notice shall be necessary:

Provided further that, while exercising any powers under this section, such person or any workmen or assistants of such person, shall cause as little damage or injury as possible to such land.

9. (1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6, shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3:

Laying of pipelines.

Power to enter land for inspection, etc.

Restrictions regarding the use of land.

Provided that such owner or occupier shall not after the declaration under sub-section (1) of section 6—

- (i) construct any building or any other structure;
- (ii) construct or excavate any tank, well, reservoir or dam; or
- (iii) plant any tree,

on that land.

(2) The owner or occupier of the land under which any pipeline has been laid shall not do any thing or permit any thing to be done which will or is likely to cause any damage in any manner whatsoever, to the pipeline.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6,—

- (a) constructs any building or any other structure, or
- (b) constructs or excavates any well, tank, reservoir or dam, or
- (c) plants any tree,

on that land, the Collector within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry, as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier.

Compensation. 10. (1) Where in the exercise of the powers conferred by section 5, 7 or 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the State Government or, as the case may be, the Corporation shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

(2) If the amount of compensation, determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the Collector within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that Collector.

(3) The competent authority or, as the case may be, the Collector while determining the compensation under sub-section (1) or, as the case may be, sub-section (2), shall have due regard to the damage or loss sustained by any person interested in the land by reason of—

- (i) the removal of trees or standing crops, if any, on the land while exercising the powers under section 5, 7 or, as the case may be, section 8;
- (ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person; or
- (iii) any injury to any other property whether movable or immovable, or the earnings of such persons caused in any other manner.

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the publication of the notification under sub-section (1) of section 3.

(4) Where the right of user of any land has vested in the State Government or, as the case may be, the Corporation it shall, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent. of the market value of that land on the date of the publication of the notification under sub-section (1) of section 3.

(5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the Collector referred to in sub-section (2), be determined by that Collector.

(6) The decision of the Collector under sub-section (2) or (5) shall be final.

11. (1) The amount of compensation determined under section 10 shall be deposited by the State Government or, as the case may be, the Corporation, with the competent authority within such time and in such manner as may be prescribed.

Deposit and payment of compensation.

(2) If the amount of compensation is not deposited within the time prescribed under sub-section (1), the State Government or, as the case may be, the Corporation, shall be liable to pay interest thereon at the rate of nine per cent. if the amount of compensation is deposited within one year after the period prescribed under sub-section (1) and at the rate of fifteen per cent. if the amount of compensation is deposited after the expiry of the said one year.

(3) As soon as may be after the compensation has been deposited under sub-section (1), the competent authority shall, on behalf of the State Government or, as the case may be, the Corporation, pay the compensation to the persons entitled thereto.

(4) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them.

(5) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the Collector within the limits of whose jurisdiction the land or any part thereof is situated and the decision of the Collector thereon shall be final.

5 of 1908.

12. The Collector and the competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Protection of action taken in good faith.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.

13. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder.

Collector and competent authority to have certain powers of civil court.

(2) No suit or other legal proceeding shall lie against the State Government, Corporation or, as the case may be, the competent authority for any damage, loss or injury caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder.

14. No civil court shall have jurisdiction in respect of any matter which the Collector or, as the case may be, the competent authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or proposed to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction of civil court.

15. (1) Whoever wilfully obstructs any person in doing any of the acts authorised under section 5, 7 or as the case may be, section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 5 or wilfully does anything prohibited under the proviso to sub-section (1) of section 9, shall be punishable with imprisonment which may extend to six months or fine or both.

Penalty.

(2) Whoever wilfully removes, displaces, damages or destroys any pipeline laid under section 7, shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years and shall also be liable to fine.

2 of 1974.

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence falling under sub-section (2) of section 15 shall be deemed to be cognizable within the meaning of that Code. Certain offences to be cognizable.

17. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the places at which and the manner in which the substance of the notification may be published under sub-section (3) of section 3;
- (b) the time within which and the manner in which the amount of compensation shall be deposited under sub-section (1) of section 11.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

18. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to the acquisition of land. Application of other laws not barred.

(C)



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EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to
by the Governor on the 14th March, 2000 is hereby published for general
information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2000.

(First published, after having received the assent of the Governor in the
Gujarat Government Gazette, on the 14th March, 2000).

AN ACT

to authorise payment and appropriation of certain further sums from and out of
the Consolidated Fund of the State of Gujarat for the services of the financial
year ending on the thirty-first day of March, 2000.

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :—

1. This Act may be called the Gujarat (Supplementary) Appropriation Short title.
Act, 2000.

2. From and out of the Consolidated Fund of the State of Gujarat, there
shall be paid and applied sums not exceeding those specified in column 3 of
the Schedule hereto annexed amounting in the aggregate to the sum of
two thousand four hundred eighteen crores, sixty lakhs, sixteen thousand rupees
towards defraying the several charges which will come in course of payment
during the financial year ending on the thirty-first day of March, 2000, in
respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs.24,18,60,16,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
1999-2000.

3. The sums authorised to be paid and applied from and out of the
Consolidated Fund of the State of Gujarat by this Act shall be appropriated for
the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1.	2	3		
1.	Agriculture and Co-operation Department	Revenue 1,000	—	1,000
2.	Agriculture	Revenue 58,81,41,000	2,54,000	58,83,95,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue 41,000	—	41,000
4.	Animal Husbandry and Dairy Development	Revenue 6,94,10,000 Capital 1,54,00,000	2,30,000 —	6,96,40,000 1,54,00,000
5.	Co-operation	Revenue 1,34,57,000 Capital 10,05,81,000	— —	1,34,57,000 10,05,81,000
7.	Education Department	Revenue 37,69,000	—	37,69,000
8.	Education	Revenue 4,59,04,05,000	8,59,57,000	4,67,63,62,000
9.	Other Expenditure pertaining to Education Department	Revenue 45,000	—	45,000
10.	Energy and Petro-Chemicals Department	Revenue 28,85,000	—	28,85,000
12.	Energy Projects	Revenue 50,00,00,000	—	50,00,00,000
13.	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue 1,00,000	—	1,00,000
14.	Finance Department	Revenue 1,000	—	1,000
15.	Tax Collection Charges (Finance Department)	Revenue 9,15,27,000	—	9,15,27,000
16.	Treasury and Accounts Administration	Revenue 4,66,39,000	4,000	4,66,43,000

No. of Vote/ Appropri- ation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
17.	Pensions and Other Retirement Benefits	Revenue 4,00,00,00,000	—	4,00,00,00,000
18.	Other Expenditure pertaining to Finance Department	Revenue 2,000 Capital 82,00,000	— —	2,000 82,00,000
19.	Repayment of Debt pertaining to Finance Department and its servicing	Revenue 16,74,49,000 Capital 6,98,79,81,000	— —	16,74,49,000 6,98,79,81,000
20.	Food, Civil Supplies and Consumer Affairs Department	Revenue 5,12,000	—	5,12,000
21.	Civil Supplies	Revenue 46,75,24,000	—	46,75,24,000
22.	Food	Revenue 6,49,000	2,000	6,51,000
24.	Forests and Environment Department	Revenue 36,60,000	—	36,60,000
25.	Forests	Revenue 5,94,87,000 Capital 1,39,60,000	1,06,04,000 —	7,00,91,000 1,39,60,000
28.	Governor	Revenue —	1,57,000	1,57,000
29.	Council of Ministers	Revenue 47,50,000	—	47,50,000
30.	Elections	Revenue 48,60,43,000	—	48,60,43,000
31.	Public Service Commission	Revenue —	42,10,000	42,10,000
32.	General Administration Department	Revenue 3,01,57,000	—	3,01,57,000
34.	Other Expenditure pertaining to General Administration Department	Revenue 39,43,000 Capital 5,26,54,000	1,20,000 —	40,63,000 5,26,54,000
35.	State Legislature	Revenue 1,000	—	1,000
37.	Health and Family Welfare Department	Revenue 1,20,91,000	—	1,20,91,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund	3	
1	2			3	
38.	Medical and Public Health	Revenue 37,72,24,000	77,000	37,73,01,000	
40.	Other Expenditure pertaining to Health and Family Welfare Department	Revenue 3,10,000	52,000	3,62,000	
41.	Home Department	Revenue 71,35,000	---	71,35,000	
42.	Police	Revenue 43,56,67,000	14,90,000	43,71,57,000	
44.	Transport	Revenue 6,00,92,000	3,000	6,00,95,000	
46.	Other Expenditure pertaining to Home Department	Revenue 2,000 Capital 70,63,000	---	2,000 70,63,000	
47.	Industries and Mines Department	Revenue 44,96,000	---	44,96,000	
48.	Stationery and Printing	Revenue 1,53,51,000	---	1,53,51,000	
49.	Industries	Revenue 15,01,000	---	15,01,000	
51.	Tourism	Revenue 5,00,000	---	5,00,000	
52.	Other Expenditure pertaining to Industries and Mines Department	Revenue 10,00,24,000	---	10,00,24,000	
53.	Information and Broadcasting Department	Revenue 10,05,000	---	10,05,000	
55.	Other Expenditure pertaining to Information and Broadcasting Department	Revenue 42,21,000	---	42,21,000	
56.	Labour and Employment Department	Revenue 7,80,000	---	7,80,000	
57.	Labour and Employment	Revenue 1,66,58,000	---	1,66,58,000	

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund	3	
1	2				
59.	Legal Department	Revenue Capital	1,000 5,00,000	— —	1,000 5,00,000
60.	Administration of Justice	Revenue	5,000	1,86,29,000	1,86,34,000
61.	Other Expenditure pertaining to Legal Department	Revenue	22,78,000	—	22,78,000
64.	Narmada, Water Resources and Water Supply Department	Revenue	92,05,000	—	92,05,000
66.	Irrigation and Soil Conservation	Revenue Capital	16,75,19,000 4,30,01,000	3,48,000 3,51,09,000	16,78,67,000 7,81,10,000
67.	Water Supply	Revenue Capital	7,39,30,000 32,50,00,000	— —	7,39,30,000 32,50,00,000
68.	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	—	5,54,06,000	5,54,06,000
69.	Panchayats, Rural Housing and Rural Development Department	Revenue	13,65,000	—	13,65,000
71.	Rural Housing and Rural Development	Revenue Capital	53,58,000 1,10,00,000	22,11,000 —	75,69,000 1,10,00,000
73.	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	32,09,85,000	—	32,09,85,000
74.	Fisheries	Revenue	1,000	—	1,000
75.	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	1,71,000	—	1,71,000
76.	Revenue Department	Revenue	65,65,000	—	65,65,000
77.	Tax Collection Charges (Revenue Department)	Revenue	38,00,000	—	38,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
78.	District Administration	Revenue 35,63,000	---	35,63,000
79.	Relief on account of Natural Calamities	Revenue 1,72,19,71,000	---	1,72,19,71,000
80.	Dang District	Revenue 52,82,000	---	52,82,000
81.	Compensation and Assignment	Revenue 2,50,00,000	60,75,000	3,10,75,000
82.	Other Expenditure pertaining to Revenue Department	Revenue 42,25,000 Capital 4,97,000	---	42,25,000 4,97,000
83.	Roads and Buildings Department	Revenue 29,00,000	---	29,00,000
84.	Non-Residential Buildings	Revenue 15,36,55,000 Capital 2,000	6,25,000 ---	15,42,80,000 2,000
85.	Residential Buildings	Revenue 1,31,85,000 Capital 6,01,21,000	19,000 ---	1,32,04,000 6,01,21,000
86.	Roads and Bridges	Revenue 23,13,53,000 Capital 51,60,44,000	79,56,000 1,61,47,000	23,93,09,000 53,21,91,000
87.	Gujarat Capital Construction Scheme	Capital 20,00,000	2,07,000	22,07,000
88.	Other Expenditure pertaining to Roads and Buildings Department	Revenue 94,15,000	2,80,18,000	3,74,33,000
89.	Social Justice and Empowerment Department	Revenue 12,70,000	---	12,70,000
90.	Social Security and Welfare	Revenue 1,000 Capital 76,000	---	1,000 76,000
93.	Special Component Plan for Scheduled Castes	Revenue 1,10,20,000 Capital 16,70,000	---	1,10,20,000 16,70,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
94.	Tribal Area Sub-Plan	Revenue 4,41,15,000 Capital 2,000	24,55,000 17,87,000	4,65,70,000 17,89,000	
96.	Youth Services and Cultural Activities	Revenue 2,25,32,000	—	2,25,32,000	
98.	Urban Development and Urban Housing Department	Revenue 3,31,000	—	3,31,000	
99.	Urban Housing	Revenue 10,00,000 Capital 49,31,00,000	4,67,00,000 —	4,77,00,000 49,31,00,000	
100.	Urban Development	Revenue 19,11,22,000 Capital 1,34,27,000	— —	19,11,22,000 1,34,27,000	
102.	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue 81,07,000	—	81,07,000	
<i>Total :</i>		Revenue : 15,04,14,36,000 Capital : 1,66,42,98,000	43,90,51,000 7,04,12,31,000	15,48,04,87,000 8,70,55,29,000	
<i>Grand Total :</i>		16,70,57,34,000	7,48,02,82,000	24,18,60,16,000	



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th March, 2000 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2000.

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 30th March, 2000).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2001.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Appropriation Act, 2000. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twenty four thousand three hundred eighty-nine crores, eighty-two lakhs, twenty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2000-2001, in respect of the services and purposes specified in column 2 of the Schedule. Withdrawal of
Rs. 2,43,89,82,20,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2000-2001.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
1.	Agriculture and Co-operation Department	Revenue 3,87,40,000	—	3,87,40,000
2.	Agriculture	Revenue 2,71,61,99,000 Capital 5,81,00,000	— —	2,71,61,99,000 5,81,00,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue 78,14,71,000 Capital 3,00,60,000	— —	78,14,71,000 3,00,60,000
4.	Animal Husbandry and Dairy Development	Revenue 65,10,68,000 Capital 1,00,000	— —	65,10,68,000 1,00,000
5.	Co-operation	Revenue 39,71,19,000 Capital 25,38,78,000	— —	39,71,19,000 25,38,78,000
6.	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital 3,54,25,000	—	3,54,25,000
7.	Education Department	Revenue 2,72,45,000	—	2,72,45,000
8.	Education	Revenue 34,42,06,30,000 Capital 2,10,000	98,01,50,000 —	35,40,07,80,000 2,10,000
9.	Other expenditure pertaining to Education Department	Revenue 3,89,42,000 Capital 48,26,60,000	— —	3,89,42,000 48,26,60,000
10.	Energy and Petro-Chemicals Department	Revenue 1,55,18,000	—	1,55,18,000
11.	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue 6,04,68,000	—	6,04,68,000
12.	Energy Projects	Revenue 13,59,95,00,000 Capital 4,11,17,00,000	2,00,00,000 —	13,61,95,00,000 4,11,17,00,000
13.	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue 30,00,000 Capital 20,14,81,000	— —	30,00,000 20,14,81,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
14.	Finance Department	Revenue 6,74,58,000 Capital 10,16,000	—	6,74,58,000 10,16,000
15.	Tax Collection Charges (Finance Department)	Revenue 77,80,10,000	—	77,80,10,000
16.	Treasury and Accounts Administration	Revenue 40,64,94,000	—	40,64,94,000
17.	Pension and other Retirement Benefits	Revenue 11,50,74,20,000 6,00,000	11,50,80,20,000	
18.	Other expenditure pertaining to Finance Department	Revenue 3,29,72,20,000 Capital 5,49,20,000	1,00,000	3,29,72,20,000 5,50,20,000
19.	Repayment of debt pertaining to Finance Department and its Servicing	Revenue 32,10,96,12,000 Capital 9,81,63,19,000	—	32,10,96,12,000 9,81,63,19,000
20.	Food, Civil Supplies and Consumer Affairs Department	Revenue 7,89,27,000	—	7,89,27,000
21.	Civil Supplies	Revenue 1,36,69,81,000 Capital 2,000	—	1,36,69,81,000 2,000
22.	Food	Revenue 12,31,00,000 Capital 25,01,000	—	12,31,00,000 25,01,000
23.	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Revenue — Capital 82,75,000	1,000	1,000 82,75,000
24.	Forests and Environment Department	Revenue 1,86,15,000	—	1,86,15,000
25.	Forests	Revenue 95,70,79,000 Capital 1,46,67,73,000	—	95,70,79,000 1,46,67,73,000
26.	Environment	Revenue 8,54,00,000	—	8,54,00,000
27.	Other expenditure pertaining to Forests and Environment Department.	Capital 3,92,00,000	—	3,92,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund	3	
1	2				
28.	Governor	Revenue	—	2,04,80,000	2,04,80,000
29.	Council of Ministers	Revenue	3,61,30,000	—	3,61,30,000
30.	Elections	Revenue	4,45,74,000	—	4,45,74,000
31.	Public Service Commission	Revenue	87,07,000	2,29,90,000	3,16,97,000
32.	General Administration Department	Revenue	1,17,81,08,000	—	1,17,81,08,000
33.	Economic Advice and Statistics	Revenue	9,45,74,000	—	9,45,74,000
34.	Other expenditure pertaining to General Administration Department	Revenue Capital	1,86,31,54,000 44,57,50,000	5,00,000 —	1,86,36,54,000 44,57,50,000
35.	State Legislature	Revenue	8,34,79,000	7,40,000	8,42,19,000
36.	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital	25,13,000	—	25,13,000
37.	Health and Family Welfare Department	Revenue	4,01,43,000	—	4,01,43,000
38.	Medical and Public Health	Revenue	6,79,82,34,000	—	6,79,82,34,000
39.	Family Welfare	Revenue	1,59,39,09,000	—	1,59,39,09,000
40.	Other expenditure pertaining to Health and Family Welfare Department	Revenue Capital	99,39,00,000 9,34,05,000	— —	99,39,00,000 9,34,05,000
41.	Home Department	Revenue	6,81,77,000	—	6,81,77,000
42.	Police	Revenue	6,80,44,33,000	—	6,80,44,33,000
43.	Jails	Revenue	22,95,43,000	—	22,95,43,000
44.	Transport	Revenue Capital	89,97,98,000 45,00,00,000	— —	89,97,98,000 45,00,00,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2.	3		
45.	State Excise	Revenue 5,09,60,000	—	5,09,60,000
46.	Other expenditure pertaining to Home Department	Revenue 47,29,17,000 Capital 61,39,00,000	2,00,000 —	47,31,17,000 61,39,00,000
47.	Industries, Mines and Tourism Department	Revenue 5,36,74,000	—	5,36,74,000
48.	Stationery and Printing	Revenue 45,50,71,000	—	45,50,71,000
49.	Industries	Revenue 2,60,94,57,000 Capital 1,24,16,05,000	—	2,60,94,57,000 1,24,16,05,000
50.	Mines and Minerals	Revenue 27,02,06,000	—	27,02,06,000
51.	Tourism	Revenue 24,28,69,000 Capital 2,50,00,000	—	24,28,69,000 2,50,00,000
52.	Other expenditure pertaining to Industries, Mines and Tourism Department	Revenue 7,61,95,000 Capital 3,32,30,000	—	7,61,95,000 3,32,30,000
53.	Information and Broadcasting Department	Revenue 69,45,000	—	69,45,000
54.	Information and Publicity	Revenue 26,45,85,000	—	26,45,85,000
55.	Other expenditure pertaining to Information and Broadcasting Department	Revenue 2,27,60,000 Capital 2,57,65,000	—	2,27,60,000 2,57,65,000
56.	Labour and Employment Department	Revenue 1,58,10,000	—	1,58,10,000
57.	Labour and Employment	Revenue 1,15,36,29,000 Capital 11,05,000	—	1,15,36,29,000 11,05,000
58.	Other expenditure pertaining to Labour and Employment Department	Capital 18,00,75,000	—	18,00,75,000
59.	Legal Department	Revenue 2,32,57,000	—	2,32,57,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2	3			
60.	Administration of Justice	Revenue	86,93,13,000	14,14,45,000	1,01,07,58,000
61.	Other expenditure pertaining to Legal Department	Revenue Capital	4,21,40,000 4,33,38,000	—	4,21,40,000 4,33,38,000
62.	Legislative and Parliamentary Affairs Department	Revenue	1,91,72,000	—	1,91,72,000
63.	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	15,10,000	—	15,10,000
64.	Narmada, Water Resources and Water Supply Department	Revenue	5,04,00,000	—	5,04,00,000
65.	Narmada Development Scheme	Capital	14,29,65,99,000	—	14,29,65,99,000
66.	Irrigation and Soil Conservation	Revenue Capital	18,35,48,40,000 3,61,25,00,000	—	18,35,48,40,000 3,61,25,00,000
67.	Water Supply	Revenue Capital	1,30,44,00,000 4,62,65,00,000	—	1,30,44,00,000 4,62,65,00,000
68.	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue Capital	50,000 11,22,50,000	—	50,000 11,22,50,000
69.	Panchayats, Rural Housing and Rural Development Department	Revenue	2,81,20,000	—	2,81,20,000
70.	Community Development	Revenue	2,76,04,88,000	—	2,76,04,88,000
71.	Rural Housing and Rural Development	Revenue Capital	3,54,10,18,000 27,34,50,000	1,48,30,57,000	5,02,40,75,000 27,34,50,000
72.	Compensations and Assignments	Revenue	29,31,65,000	—	29,31,65,000
73.	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue Capital	52,63,57,000 27,50,85,000	—	52,63,57,000 27,50,85,000
74.	Fisheries	Revenue Capital	24,37,65,000 9,89,01,000	—	24,37,65,000 9,89,01,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
75.	Other expenditure pertaining to Ports and Fisheries Department	Revenue Capital	82,00,000 95,45,000	— —	82,00,000 95,45,000
76.	Revenue Department	Revenue	7,11,35,000	—	7,11,35,000
77.	Tax Collection Charges (Revenue Department)	Revenue	52,19,20,000	—	52,19,20,000
78.	District Administration	Revenue	66,20,10,000	—	66,20,10,000
79.	* Relief on account of Natural Calamities	Revenue	3,31,56,00,000	—	3,31,56,00,000
80.	Dang District	Revenue	16,28,08,000	—	16,28,08,000
81.	Compensation and Assignments	Revenue Capital	20,49,30,000 7,00,000	11,50,000 3,00,000	20,60,80,000 10,00,000
82.	Other expenditure pertaining to Revenue Department	Revenue Capital	33,25,000 2,77,90,000	1,000 —	33,26,000 2,77,90,000
83.	Roads and Buildings Department	Revenue	6,51,00,000	—	6,51,00,000
84.	Non-Residential Buildings	Revenue Capital	2,10,81,79,000 1,12,93,40,000	5,50,000 —	2,10,87,29,000 1,12,93,40,000
85.	Residential Buildings	Revenue Capital	74,96,58,000 19,49,62,000	— —	74,96,58,000 19,49,62,000
86.	Roads and Bridges	Revenue Capital	4,78,72,82,000 3,37,65,68,000	— —	4,78,72,82,000 3,37,65,68,000
87.	Gujarat Capital Construction Scheme	Revenue Capital	7,61,35,000 32,75,00,000	— —	7,61,35,000 32,75,00,000
88.	Other expenditure pertaining to Roads and Buildings Department	Revenue Capital	10,68,00,000 22,03,90,000	— —	10,68,00,000 22,03,90,000
89.	Social Justice and Empowerment Department	Revenue	2,73,80,000	—	2,73,80,000
90.	Social Security and Welfare	Revenue Capital	2,51,30,16,000 3,58,45,000	64,30,000 —	2,51,94,46,000 3,58,45,000
91.	Welfare of Scheduled Tribes	Revenue Capital	58,80,45,000 3,27,92,000	— —	58,80,45,000 3,27,92,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
92.	Other expenditure pertaining to Social Justice and Empowerment Department.	Capital 1,67,20,000	—	1,67,20,000
93.	Special Component Plan for Scheduled Castes	Revenue 3,33,31,25,000 Capital 16,38,28,000	—	3,33,31,25,000 16,38,28,000
94.	Tribal Area Sub-Plan	Revenue 8,88,03,99,000 Capital 2,05,57,05,000	—	8,88,03,99,000 2,05,57,05,000
95.	Sports, Youth and Cultural Activities Department.	Revenue 1,23,01,000	—	1,23,01,000
96.	Youth Services and Cultural Activity.	Revenue 31,37,71,000	—	31,37,71,000
97.	Other expenditure pertaining to Sports, Youth and Cultural Activities Department.	Capital 25,35,000	—	25,35,000
98.	Urban Development and Urban Housing Department	Revenue 1,62,75,000	—	1,62,75,000
99.	Urban Housing	Revenue 11,06,50,000	45,04,04,000	56,10,54,000
100.	Urban Development	Revenue 2,32,23,31,000 Capital 12,50,00,000	—	2,32,23,31,000 12,50,00,000
101.	Compensation, Assignments and Tax Collection Charges	Revenue 77,10,00,000	25,01,03,000	1,02,11,03,000
102.	Other expenditure pertaining to Urban Development and Urban Housing Department.	Revenue 1,68,21,000 Capital 18,60,000	—	1,68,21,000 18,60,000
Total :		Revenue 1,57,67,32,26,000	35,48,84,13,000	1,93,16,16,39,000
		Capital 40,91,98,62,000	9,81,67,19,000	50,73,65,81,000
Grand Total :		1,98,59,30,88,000	45,30,51,32,000	2,43,89,82,20,000



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2000 is hereby published for general information.

Kum.H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 2000.

Short title and commencement-
ment.

(2) It shall come into force on the 1st April, 2000.

Amendment
of section 32A
of Bom. LX of
1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in section 32A, in sub-section (1), for the words "may either before or after", the words "shall before" shall be substituted.

Amendment
of Schedule I to
Bom. LX of
1958.

3. In the principal Act, in Schedule I,—

(1) in article 2, for the words "forty rupees", the words "one hundred rupees" shall be substituted;

(2) in article 4, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

Bom. LX of
1958.

(3) in article 5, in clause (h), for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;

(4) in article 10, for the words "forty rupees", the words "one hundred rupees" shall be substituted;

(5) in article 16, for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;

(6) in article 20,—

(i) in clause (b), for the words "six rupees", the words "eight rupees" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely :-

"(d) CONVEYANCE, so far as it relates to amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956, where the aggregate amount comprising of the market value of shares issued or allotted in exchange of or otherwise, or the face value of such shares, whichever is higher and the amount of consideration, if any, paid for such amalgamation—

I of 1956.

(i) does not exceed Rs. 100 crores. 2 per cent. of the aggregate amount.

(ii) exceeds Rs. 100 crores but does not exceed Rs. 500 crores. Rs. 2 crores plus 1 per cent. of the amount which exceeds Rs. 100 crores.

(iii) exceeds Rs. 500 crores. Rs. 6 crores plus 0.5 per cent. of the amount which exceeds Rs. 500 crores."

(iii) For the *Explanation III*, the following *Explanation* shall be substituted, namely :-

"*Explanation III*.—For the purposes of clause (d), the market value of share-

(a) in relation to the transferee company whose shares are listed and quoted for trading on a Stock Exchange, means the market value of share as on the appointed date mentioned in the scheme of amalgamation or when appointed date is not so fixed, the date of order of the High Court,

(b) in relation to the transferee company, whose shares are not listed or listed but not quoted for trading on a Stock Exchange means the market value of the share issued or allotted with reference to the market value of share of the transferor company,

(c) where the transferee company and transferor company, whose shares are not listed or listed but not quoted for trading on Stock Exchange means the face value of the share issued or allotted with reference to the face value of share of the transferee company.;"

(7) in article 22, for the words "twenty rupees", the words "fifty rupees" shall be substituted;

(8) in article 23, for the words "forty rupees", the words "one hundred rupees" shall be substituted;

(9) in article 24, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(10) in article 29, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(11) in article 33, for the words "Thirty rupees", the words "Fifty rupees" shall be substituted;

(12) in article 38, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(13) in article 41, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(14) in article 45,—

(i) in clauses (a), (b), (c) and (h) for the words "Twenty rupees", the words "One hundred rupees" shall be substituted;

(ii) in clause (d) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(15) in article 46, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(16) in article 47, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(17) in article 48, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(18) in article 49, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(19) in article 55, for the words "sixty rupees", the words "one hundred rupees" shall be substituted.

(C)



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PART- IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2000 is hereby published for general information.

Kum.H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend the Gujarat-Sales Tax Act, 1969.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Sales Tax (Second Amendment) Act, 2000.

Short title
and com-
mencement.

(2) It shall come into force on the 1st April, 2000.

Guj. 1 of 1970. 2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 2,—

Amendment
of section 2
of Guj. 1 of
1970.

(1) before clause (1), the following clause shall be inserted, namely:—

"(1A) "additional tax" means the additional tax levied under section 4A;".

(2) in clause (32), after the words "under this Act", the words "but does not include additional tax" shall be inserted.

Insertion of
new section
4A in Guj. 1
of 1970.

3. In the principal Act, after section 4, the following new section shall be inserted, namely :-

Levy of
additional
tax.

" 4A (1) There shall be levied and collected for a period of one year from the date of commencement of the Gujarat Sales Tax (Second Amendment) Act, 2000, from every dealer liable to pay tax under section 3 or section 3A or under section 4, an additional tax on the sale or purchase of goods liable to tax under this Act, at the rate of ten paise in the rupee on the sales tax, general sales tax or, as the case may be, purchase tax, payable by such dealer :

Guj. 9 of
2000:-

Provided that the additional tax shall not be levied in respect of the sale or purchase of any of the declared goods.

(2) Except as provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional tax payable under sub-section (1), as they apply in relation to the tax payable by a dealer under this Act.

(3) For the removal of any doubt, it is hereby declared that —

(a) additional tax levied under sub-section (1) shall not be construed as partaking of the character of sales tax, general sales tax or, as the case may be, purchase tax, on which it is levied ; and

(b) the additional tax shall be distinct from sales tax, general sales tax, or, as the case may be, purchase tax.".

Amendment
of section 30B
of Guj.1 of
1970.

4. In the principal Act, in section 30B,—

(1) for sub-section (2), the following shall be substituted, namely :-

"(2) Where it appears necessary to the authority referred to in section 29 or the Commissioner so to do for the proper realisation of the tax, interest and penalty payable, or which has become due for payment, for any period of any year, he may, at any time, by an order in writing and for reasons to be recorded therein, require a registered dealer to furnish in the prescribed manner and within such time as may be specified in the order, such security or if such dealer has already furnished any security, such additional security, as may be specified in the order.";

(2) in sub-section(4),—

(i) for the portion beginning with the words "shall not exceed the amount of tax payable" and ending with the words "required to be furnished", the following shall be substituted, namely :-

"or the Commissioner shall not exceed the amount of tax, interest and penalty payable or which has become due for payment for any period of any year according to the estimate of the authority referred to in sub-section (1) or the Commissioner, on the turnover of sales or turnover of purchases of goods of such dealer for any period of any year.";

(3) in sub-sections (5), (6) and (8), for words and figures "The authority referred to in section 29", the words, figures and brackets "The authority referred to in sub-section(1) or (2) or, as the case may be, the Commissioner" shall be substituted.

5. In the principal Act, in section 59 AAA, in sub-section (2), after the words "A registered dealer", the words "or any other person" shall be inserted.

Amendment
of section 59.
AAA of Guj.
1 of 1970.

6. In the principal Act, in Schedule II, in Part A, in the entry at serial No. 144, in columns 3 and 4, for the words "two paise", the words "four paise" shall be substituted.

Amendment
of Schedule
II, Part A to
Guj. 1 of
1970.



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Kum H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 2000.

Short title and
commencement.

(2) It shall come into force on the 1st April, 2000.

Guj. 24
of 1977.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (1), for clauses (a) to (c), the following clauses shall be substituted, namely:

Amendment of
section 3 of
Guj. 24 of
1977.

"(a) Where the charges for lodging are not more than two hundred rupees per day per person.	NB
(b) Where the charges for lodging are more than two hundred rupees but not more than four hundred rupees per day per person.	7.5 per cent. of such charge.
(c) Where the charges for lodging are more than four hundred rupees but not more than six hundred rupees per day per person.	10 per cent. of such charge.
(d) Where the charges for lodging are more than six hundred rupees per day per person.	15 per cent. of such charge."

3. In the principal Act, after section 4, the following sections shall be inserted, namely:—

"4A. (1) No proprietor of a hotel liable to pay tax under section 3 shall provide luxury to a person in a hotel without obtaining a valid certificate of registration from the Collector:

Registration.

Provided that the provisions of this sub-section shall not be deemed to have been contravened, if the proprietor having applied for such registration as provided in this section, within six months from the date of the commencement of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 2000, provides luxury to a person in a hotel.

(2) Every proprietor providing luxury in a hotel shall apply to the Collector in such form, in such manner and on payment of such fee, as may be prescribed,

(3) If the Collector is satisfied that the requirements of provisions of this Act and the rules made thereunder have been complied with, he may issue a certificate of registration in such form and on such terms and conditions as may be prescribed.

4B. In the event of any contravention by the holder of certificate of registration of any of the terms and conditions of the certificate of registration or of any of the provisions of this Act or rules made thereunder, the Collector may revoke the certificate of registration or suspend it for such period, as he may think fit:

Provided that no certificate of registration shall be revoked or suspended without giving a reasonable opportunity of being heard to the holder thereof."

Power to
revoke or
suspend
the certificate
of
registration.

Amendment of
section 9 of
Guj. 24 of
1977.

Amendment of
section 21 of
Guj. 24 of
1977.

4. In the principal Act, in section 9, in sub-section (1), after the words and figure "under section 7", the words, figures and letters "or by the order of the Collector under section 4A or 4B" shall be inserted.

5. In the principal Act, in section 21, in sub-section (2), before clause (a), the following clauses shall be inserted, namely:—

"(aa) the form in which, the manner in which and fee on payment of which the proprietor shall apply under sub-section (2) of section 4A;

(aaa) the form in which and the terms and conditions subject to which certificate of registration may be issued under sub-section (3) of section 4A;"

C



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Kum.H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2000. Short title and commencement

(2) It shall come into force on the 1st April, 2000.

Bom. LXV of 2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the 1958. principal Act"), in section 3A,—

Amendment of section 3A of Bom. LXV of 1958.

(1) in sub-section (1), in the Table,—

(1) in entry 1,—

(a) against clause (a), for the letters and figures "Rs. 2,000", the letters and figures "Rs. 3,000" shall be substituted;

(b) against clause (b), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 4,500" shall be substituted;

(ii) in entry 2,—

(a) against clause (a), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 4,500" shall be substituted;

(b) against clause (b), for the letters and figures "Rs. 4,000", the letters and figures "Rs. 6,000" shall be substituted;

(2) in sub-section (3), in clause (a), —

(a) for the letters and figures "Rs. 144", the letters and figures "Rs. 216" shall be substituted;

(b) for the letters and figures "Rs. 160", the letters and figures "Rs. 240" shall be substituted;

(3) in sub-section (5), —

(A) in clause (a), —

(a) for the words "each complete month of the period", the words "the month" shall be substituted;

(b) in sub-clause (i), for the words "five hundred and one rupees", the words "two hundred fifty rupees" shall be substituted;

(c) in sub-clause (ii), for the words "seven hundred and fifty rupees", the words "three hundred seventy-five rupees" shall be substituted;

(d) in sub-clause (iii), for the words "nine hundred rupees", the words "three hundred seventy-five rupees" shall be substituted;

(e) in sub-clause (iv), for the words "one thousand rupees", the words "five hundred rupees" shall be substituted;

(f) in the proviso, for the word "months", the word "month" shall be substituted.

(B) in clause (b), for the portion beginning with the words "the designated omnibus in respect of which the tax has been paid" and ending with the words "three months in a year", the following shall be substituted, namely: —

"the designated omnibus in respect of which tax has been paid, has not been used or kept for use for a period exceeding one month in a year on account of an accident which is registered in the police station or of the order of the competent court or of the Government authority."

3. In the principal Act, in the First Schedule, in Part I, after clause IV, the following clause shall be inserted, namely: —

"IV-A Private Service Vehicles

Rs. 500 for every person permitted
to be carried."

Amendment of
First Schedule
to Bom. LXV
of 1958.



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2000 is hereby published for general information.

Kum.H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend the Gujarat Entertainment Tax Act, 1977.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

Guj. 16 of
1977.

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 2000.

(2) It shall come into force on the 1st April, 2000.

Short title
and commence-
ment.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 3, for sub-section (1), the following shall be substituted, namely :—

Amendment
of section 3
of Guj. 16
of 1977.

" (1) There shall be levied and paid to the State Government on,—

(a) every payment for admission to an entertainment, other than the payment for admission referred to in clause (b), a tax, at the following rates, namely :—

(i) within the limits of a local area, the population of which as ascertained at the last preceding census and notified by the State

Government in the *Official Gazette* after such census is more than 1,00,000, at the rate of 50 per cent of such payment,

(ii) in any other local area, at the rate of 45 per cent of such payment,

(b) every payment for admission of a motor vehicle into the auditorium of a cinema known as Drive-in-Cinema, if such payment is separately charged by the proprietor for such admission, a tax at the rate of 50 per cent. of such payment.".

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the 30th March, 2000 is hereby published for general information.

Kum. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

to repeal certain Acts.

WHEREAS it is expedient to repeal certain obsolete Acts, it is hereby
enacted in the Fifty-first Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Repealing Act, 2000. Short title.
2. In this Act, unless the context otherwise requires, "Land Tenure Abolition Act" means an Act specified in Part I of the Schedule. Definition.

Repeal of certain Acts. 3. The Acts specified in the Schedule are hereby repealed.

Savings. 4. (1) Notwithstanding the repeal of Land Tenure Abolition Act (hereinafter in this sub-section and sub-section (2) referred to as "the said Act") by section 3,-

(a) land made liable to payment of land revenue in accordance with the Bombay Land Revenue Code, 1879 and the rules made thereunder by the said Act shall continue to be so liable, and

(b) the liability to pay land revenue levied under the said Code imposed on the holder of land by the said Act shall continue.

Bom. V
of 1879.

(2) The repeal of the said Act by section 3 shall not affect--

(a) any restriction imposed by the said Act on transfer of land; or

(b) the application of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 or, as the case may be, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, to any land or the relationship between holder of land or, as the case may be, landlord and his tenant made by the said Act.

Bom. LXVII
of 1948.

Bom. XCIX of
1958.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Act specified in the Schedule as if the Act had been an enactment within the meaning of the said section 7.

Bom. I of
1904.

SCHEDULE

(See section 3)

PART I

Year 1	No. 2	Short title of the Act 3
1949	Bom. XXXII	The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949.
1949	Bom. LXI	The Bombay Maleki Tenure Abolition Act, 1949.
1949	Bom. LXIII	The Panch Mahals Mehwassi Tenure Abolition Act, 1949.
1950	Bom. LX	The Bombay Paragana and Kulkarni Vatans (Abolition) Act, 1950.
1950	Bom. LXII	The Bombay Watwa Vazifdari Rights Abolition Act, 1950.
1953	Bom. XLIII	The Bombay Personal Inams Abolition Act, 1952.
1953	Bom. XLIII	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.
1953	Bom. XLVI	The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.
1953	Bom. XLVIII	The Bombay Merged Territories Matadari Tenure Abolition Act, 1953.
1953	Bom. LXX	The Bombay Service Inams (Useful to Community) Abolition Act, 1953.
1954	Bom. 1	The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.
1954	Bom. XXXIX	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1954.
1955	Bom. XXI	The Bombay Bhil Naik Inams Abolition Act, 1955.
1955	Bom. XXII	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.

1	2	3
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1959	Bom. 1	The Bombay Inferior Village Watans Abolition Act, 1958.
1959	Bom. XXXI	The Bombay Ankadia Tenure (Saurashtra Area) Abolition Act, 1959.
1959	Bom. XXXV	The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959.
1959	Bom. LXV	The Bombay (Saurashtra Area) Aghat Tenure and Ijaras Abolition Act, 1959.
1961	Guj. XLVIII	The Gujarat Patel Watans Abolition Act, 1961.
1963	Guj. XXXIII	The Gujarat Surviving Alienations Abolition Act, 1963.
1969	Guj. XVI	The Gujarat Devasthan Inams Abolition Act, 1969.

PART II

Year 1	No. 2	Short title of the Act 3
1863	Bom. II	The Exemption from Land-revenue (No.1) Act, 1863.
1863	Bom. VII	The Exemption from Land-revenue (No.2) Act, 1863.
1874	Bom. III	The Bombay Hereditary Offices Act, 1874.
1878	Bom. V	The Bombay Abkari Act, 1878.
1882	Bom. VII	The Bombay Landing and Wharfage Fees Act, 1882.
1887	Bom. VI	The Matadars Act, 1887.
1889	Bom. I	The Bombay Village Sanitation Act, 1889.
1892	Bom. 1	The Bombay District Vaccination Act, 1892.
1918	Bom. VI	The Bombay Disqualification of Alien Act, 1918.
1926	Bom. XI	The Invalidation of Hindu Ceremonial Emoluments Act, 1926
1936	Bom. XX	The Bombay Opium Smoking Act, 1936.

1	2	3
1938	Bom. XXII	The Bombay Forfeited Lands Restoration Act, 1938.
1947	Bom. XXVIII	The Bombay Agricultural Debtors Relief Act, 1947.
1948	Bom. XXII	The Bombay Refugees Act, 1948.
1953	Bom. XXXVIII	The Bombay Land Tenures Abolition (Amendment) Act, 1953.
1953	Bom: L	The Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.
1954	Bom. XXIII	The Saurashtra Agricultural Debtors' Relief Act, 1954.
1955	Bom. LI	The Bombay Land Tenures Abolition (Amendment) Act, 1955.
1956	Bom. XL	The Bombay Land Tenures Abolition (Amendment) Act, 1956.
1958	Bom. LVII	The Bombay Land Tenure Abolition Laws (Amendment) Act, 1958.
1961	Guj. XLIV	The Gujarat Land Tenures Abolition (Extension of Period for Claiming Compensation) Act, 1961.
1964	Guj. 3	The Gujarat Smoke-nuisance Act, 1963.
1965	Guj. 23	The Gujarat Land Tenures Abolition Laws (Amendment) Act, 1965.

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the 30th March, 2000 is hereby published for general information.

Kum.H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 31st March, 2000).

AN ACT

further to amend Gujarat Prevention of Anti-social Activities Act, 1985.

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :—

1. This Act may be called the Gujarat Prevention of Anti-social Activities (Amendment) Act, 2000. Short title.

Guj.16 of 1985. 2. In the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as "the principal Act"), in section 2, Amendment of section 2 of
Guj. 16 of 1985.

(1) after clause (b), the following clauses shall be inserted, namely :—

"(bb) "common gaming house keeper" means a person who, having been convicted of an offence punishable under section 4 of the Bombay Prevention of Gambling Act, 1887, within a period of three years from the date of such conviction either by himself or as a member or leader of a gang habitually commits or attempts to commit or abets the commission of an offence punishable under that section;

Bom. IV of
1887.

(bbb) "cruel person" means a person, who either by himself or as a member or leader of a gang, habitually commits or attempts to commit or abets the commission of an offence punishable under section 8 of the Bombay Animal Preservation Act, 1954;".

Bom. LXXII of
1954.

Amendment of
section 3 of
Guj. 16 of
1985.

3. In the principal Act, in section 3, in sub-section (4), for the words "as a bootlegger", the words "as a bootlegger or common gaming house keeper or cruel person" shall be substituted.



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the 1st April, 2000 is hereby published for general information.

Kum.H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 of 2000.

(First Published, after having received the assent of the Governor in the *Gujarat Government Gazette*, on the 1st April, 2000).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment) Act, 2000.

Short title
and com-
mencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 19,—

Amendment
of section 19
of Bom. LIX
of 1949.

(1) in sub-section (1),—

(i) for the words "in the same month in each succeeding year", the words "on expiry of succeeding two and half years" shall be substituted; and

(ii) the words "and another to be the Deputy Mayor" shall be deleted;

(2) before sub-section (1A), the following sub-section shall be inserted, namely :—

"(1AA) The Corporation shall at its first meeting after general election and at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its members to be the Deputy Mayor.".

Amendment
of section
29A of Bom.
LIX of 1949.

3. In the principal Act, in section 29A,—

(1) in sub-section (1), for the words "State Government", the words "Municipal Corporation, subject to the rules made by the State Government," shall be substituted;

(2) in sub-section (2), clause (b) shall be deleted.

Amendment
of section 43
of Bom. LIX
of 1949.

4. In the principal Act, in section 43,—

(1) in sub-section (2), for the words " shall have the same right of being present at a meeting of the Corporation and of taking", the words "shall remain present at a meeting of the Corporation and take" shall be substituted;

(2) in sub-section (4), for the words "have the same right of being present at a meeting of Standing Committee or a Sub-Committee and of taking", the words "remain present at a meeting of the Standing Committee or of a Sub-Committee and take" shall be substituted.

Amendment
of section 67
of Bom. LIX
of 1949.

5. In the principal Act, in section 67, after sub-section (3), the following sub-sections shall be inserted, namely :—

"(3A) (a) The Municipal Commissioner shall consult the Mayor in respect of any proposal involving policy, of development work on a large scale or having a large financial implication, before such proposal is submitted to the Standing Committee or to any other Committee.

(b) Where the Mayor considers that any proposal involving development work is necessary to be undertaken, he may direct the Municipal Commissioner to place such proposal before the Municipal Corporation, Standing Committee or any other Committee, for its consideration.

(c) The Municipal Commissioner shall, while submitting any proposal to the Standing Committee or other Committees, send simultaneously a copy of such proposal to the Mayor for information.

(3AA) The Mayor may convene a meeting of the Deputy Mayor, Municipal Commissioner, Officers, Chairman and Members of the Committees of the Corporation for reviewing the action taken in pursuance of the resolution passed by the Corporation, Standing Committee or other Special Committees of the Corporation in respect of undertaking the development works. The mayor may assign *inter-se* priority to such development works to be undertaken and give direction to the Municipal Commissioner to get such work to be undertaken immediately according to priority so assigned and the Municipal Commissioner shall, subject to the provisions of this Act, carry out such directions.".

6. In the principal Act, in section 343, in sub-section (2), for the portion beginning with the words "such excess charge" and ending with the words "may determine in this behalf", the following shall be substituted, namely :—

Amendment of
section 343 of
Bom. LIX of
1949.

"such excess charge—

- (a) not exceeding one hundred rupees as the Transport Manager, with the approval of the Transport Committee, may determine in this behalf, or
- (b) equivalent to twenty times the ordinary single fare, whichever is less."

7. In Appendix II to the principal Act, -

Amendment
of Appendix
II to Bom.
LIX of 1949.

- (a) in part I, -
- (i) against the fine of fifty rupees mentioned in column 2, in column 1, the figures "381" shall be deleted;
- (ii) against the fine of one hundred rupees mentioned in column 2, in column 1, the figures "382" shall be deleted;
- (iii) in column 2, below the fine "One thousand rupees" the fine of "Five thousand rupees" shall be added and against the fine of five thousand rupees as so added, in column 1, the figures "381" shall be added;
- (iv) in column 2, below the fine of "Five thousand rupees" as so added, the fine of "Seven thousand rupees" shall be added and against the fine of Seven thousand rupees as so added, in column 1, the figures "382" shall be added;
- (b) in Part II, -
- (i) against the fine of Five rupees mentioned in column 2, in column 1, the figures "381" shall be deleted;
- (ii) against the fine of Ten rupees mentioned in column 2, in column 1, the figures "382" shall be deleted;
- (iii) against the fine of Fifty rupees mentioned in column 2, in column 1, after the figures and brackets "378(1)", the figures "381" shall be inserted;
- (iv) against the fine of One hundred rupees mentioned in column 2, in column 1, after the figures, letter and brackets "284G(8)", the figures "382" shall be inserted.

(C)



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PART- IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

AGRICULTURE AND CO-OPERATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 7th June, 2000.

GUJARAT ORDINANCE NO. 1 OF 2000.

AN ORDINANCE

*to repeal the Gujarat Khar Lands Act, 1963 and to provide for
certain matters incidental thereto.*

WHEREAS the Legislative Assembly of the State of Gujarat is
not in session;

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take
immediate action to repeal the Gujarat Khar Lands Act, 1963 and to
provide for certain matters incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred on him
by clause (1) of article 213 of the Constitution of India, the Governor
of Gujarat is hereby pleased to make and promulgate the following
Ordinance, namely :-

1. *Short title and commencement.*— (1) This Ordinance may be
called the Gujarat Khar Lands (Repeal) Ordinance, 2000.

(2) It shall come into force at once.

Guj. 17 of
1964.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

- (a) “Act” means the Gujarat Khar Lands Act, 1963;
- (b) “appointed day” means the date on which this Ordinance comes into force.

Guj. 17 of
1964.

3. *Repeal of Guj. 17 of 1964 and dissolution of Khar Lands Development Board.*— (1) On the appointed day, the Gujarat Khar Lands Act, 1963 shall stand repealed and the Gujarat Khar Lands Development Board established under section 3 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office; and on such dissolution the following consequences shall ensue, that is to say,—

Guj. 17 of
1964.

- (a) the Committee appointed by the Board under section 19 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office;
- (b) all the rights of the dissolved Board shall be the rights of the State Government and any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such right may as from the appointed day be continued or enforced by or against the State Government;
- (c) all property, movable and immovable, (including all moneys received by the dissolved Board and all moneys in its own fund and in its maintenance fund) which immediately before the appointed day vested in the dissolved Board shall, subject to all limitations and conditions as were in force immediately before such day, stand transferred to and vest in the State Government;
- (d) all sums due to the dissolved Board on any account shall be recoverable by the State Government which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board to take or institute had this Ordinance not come into force;
- (e) all debts, liabilities and obligations incurred by or on behalf of the dissolved Board before the appointed day and subsisting on that day, shall be deemed to be debts, liabilities and obligations of the State Government, and any proceedings or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such debt, liability or obligation may, as from the appointed day be, continued or enforced by or against the State Government;
- (f) subject to the provisions of clauses (b) and (e), any suit, appeal or other proceedings of whatever nature (including proceedings for the acquisition of land or right or interest in any land for the purpose of any scheme under the Act) pending immediately before the appointed day before any court or authority in which the dissolved Board is a party shall on the appointed day abate.

(2) The repeal of the Act by sub-section (1) shall not affect—

- (a) (i) any right of the State Government to recover under section 28 of the Act, loans granted under section 27 of the Act,

(ii) any liability of a person whether jointly or severally to pay the amount of loan or a portion thereof to the State Government under section 29 of the Act;

(iii) liability of forfeiture of lease of land under section 30 of the Act;

(iv) any penalty incurred in respect of an offence punishable under section 40 of the Act;

(v) any investigation or legal proceeding in respect of any such recovery or such forfeiture or such penalty,

and any such investigation or legal proceeding may be instituted or continued and any such recovery may be made or lease of land forfeited or any such penalty may be imposed as if the Act were not repealed;

(b) such of the schemes published under sub-section (3) of section 13 of the Act which are under execution by the Board on the date immediately before the appointed day and their execution shall be continued and completed by the State Government.

(3) The State Government may by an order published in the *Official Gazette* entrust the execution of schemes referred to in clause (b) of sub-section (2) to any body or corporation owned or controlled by the State Government and confer by a like order on such body or corporation any of its powers as may be necessary for such execution.

STATEMENT

The Gujarat Khar Lands Act, 1963 was enacted to provide for the protection and improvement of Khar lands and the reclamation of tidal lands in the State of Gujarat by the construction and maintenance of embankments and for that purpose the Khar Lands Development Board was established by the State Government. On reviewing the activities of the Khar Lands Development Board, it is considered necessary to repeal the Gujarat Khar Lands Act, 1963 and to dissolve the Board. A provision is made to the effect that the scheme published under sub-section (3) of section 13 of the Act and which is under execution by the Board shall be continued and completed by the State Government. A power is taken to entrust the execution of such scheme to any body or corporation owned or controlled by the State Government.

2. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to repeal the said Act.

Gandhinagar,
Dated the 3rd June, 2000.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

P. G. RAMRAKHIANI,
Additional Chief Secretary to Government.



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PART- IV

Acts of the Gujarat Legislature and Ordinances promulgated
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FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 11th July, 2000

GUJARAT ORDINANCE NO. 2 OF '2000.

AN ORDINANCE

further to amend the Gujarat State Guarantees Act, 1963.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat State Guarantees Act, 1963;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat State Guarantees (Amendment) Ordinance, 2000.

(2) It shall come into force at once.

2. *Guj. XXII of 1963 to be temporarily amended.*— During the period of operation of this Ordinance, the Gujarat State Guarantees Act, 1963 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2 of Guj. XXII of 1963.*— In the principal Act, in section 2, in sub-section (1), for the letters and figures "Rs. 140,00,00,00,000", the letters and figures "Rs. 160,00,00,00,000" shall be substituted.

STATEMENT

Sub-section (1) of section 2 of the Gujarat State Guarantees Act, 1963 fixes Rs. 140,00,00,00,000/- to be the limit upto which the State Government may give guarantee. During the nineties there has been a phenomenal growth in implicit (contingent) liabilities in the form of guarantees extended by the Government. Guarantees have emerged as an alternative fiscal instrument of the Government to meet the investment requirements by the State level bodies. With a view to meeting with such guarantees and demand for overall development of the State in the field of power sector, irrigation, industry and infrastructure facilities therefor, it is considered necessary to raise the said limit upto Rs. 160,00,00,00,000/-.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 9th July, 2000.

SUNDAR SINGH BHANDARI
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

SUDHIR MANKAD,
Principal Secretary to Government.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5TH October, 2000 is hereby published for general information.

B. L. MEHTA

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 6th October, 2000).

AN ACT

to repeal the Gujarat Khar Lands Act, 1963 and to provide for certain matters incidental thereto.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Khar Lands (Repeal) Act, 2000.
- (2) It shall be deemed to have come into force on the 7th June, 2000.
2. In this Act, unless the context otherwise requires,—

Short title
and commen-
tation.

Definitions.

Guj. 17 of
1964.

- (a) "Act" means the Gujarat Khar Lands Act, 1963;
- (b) "appointed day" means the date on which this Act comes into force.
3. (1) On the appointed day, the Gujarat Khar Lands Act, 1963 shall stand repealed and the Gujarat Khar Lands Development Board established under section 3 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office; and on such dissolution, the following consequences shall ensue, that is to say,—

Repeal of
Guj. 17 of
1964 and
dissolution
of Khar
Lands
Development
Board.

(a) the Committee appointed by the Board under section 19 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office;

(b) all the rights of the dissolved Board shall be the rights of the State Government and any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such right may, as from the appointed day, be continued or enforced by or against the State Government;

(c) all property, movable and immovable (including all moneys received by the dissolved Board and all moneys in its own fund and in its maintenance fund) which immediately before the appointed day vested in the dissolved Board shall, subject to all limitations and conditions as were in force immediately before such day, stand transferred to and vest in the State Government;

(d) all sums due to the dissolved Board on any account shall be recoverable by the State Government which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board to take or institute had this Act had not come into force;

(e) all debts, liabilities and obligations incurred by or on behalf of the dissolved Board before the appointed day and subsisting on that day, shall be deemed to be debts, liabilities and obligations of the State Government, and any proceedings or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such debt, liability or obligation may, as from the appointed day, be continued or enforced by or against the State Government;

(2) The repeal of the Act by sub-section (1) shall not affect—

(a) (i) any right of the State Government to recover under section 28, the loans granted under section 27 of the Act,

(ii) any liability of a person whether jointly or severally to pay the amount of loan or a portion thereof to the State Government under section 29 of the Act,

(iii) liability of forfeiture of lease of land under section 30 of the Act,

(iv) any penalty incurred in respect of an offence punishable under section 40 of the Act,

(v) any investigation or legal proceeding in respect of any such recovery or such forfeiture or such penalty,

and any such investigation or legal proceeding may be instituted or continued and any such recovery may be made or lease of land may be forfeited or any such penalty may be imposed as if the Act were not repealed;

(b) such of the schemes published under sub-section (3) of section 13 of the Act which are under execution by the Board on the date immediately before the appointed day and their execution shall be continued and completed by the State Government.

(3) The State Government may, by an order published in the *Official Gazette*, entrust the execution of schemes referred to in clause (b) of sub-section (2) to any body or corporation owned or controlled by the State Government and confer by a like order on such body or corporation, any of its powers as may be necessary for such execution.

Guj. Ord.1
of 2000.

4. (1) The Gujarat Khar Lands (Repeal) Ordinance, 2000 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Repeal and
savings.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th October, 2000 is hereby published for general information.

B. L. MEHTA

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 11th October, 2000).

AN ACT

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat State Guarantees (Second Amendment) Act, 2000.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 11th July, 2000.

Guj. XXII
of 1963.

2. In the Gujarat State Guarantees Act, 1963 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), for the letters and figures "Rs. 140,00,00,00,000", the letters and figures "Rs. 160,00,00,00,000" shall be substituted.

Amend-
ment of
section 2
of Guj.
XXII of
1963.

Repeal and
savings.

3. (1) The Gujarat State Guarantees (Amendment) Ordinance, 2000
is hereby repealed.

Guj. Ord.
2 of 2000.

(2) Notwithstanding such repeal, anything done or any action
taken under the principal Act, as amended by the said Ordinance, shall be
deemed to have been done or taken under the principal Act, as amended by
this Act.



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Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th October, 2000 is hereby published for general information.

B. L. MEHTA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2000.

(First published, after having received the assent of the Governor in the Gujarat Government Gazette, on the 11th October, 2000).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2001.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. This Act may be called the Gujarat (Second Supplementary) Appropriation Act, 2000. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of three hundred sixty-seven crores, eighty-one lakhs, forty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2001, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rs. 3,67,81,48,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2000-2001.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
2.	Agriculture	Revenue	49,54,00,000	1,39,54,000	50,93,54,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	2,04,00,000	—	2,04,00,000
4.	Animal Husbandry and Dairy Development	Revenue	1,23,32,000	—	1,23,32,000
		Capital	1,25,00,000	—	1,25,00,000
5.	Co-operation	Capital	8,55,00,000	—	8,55,00,000
8.	Education	Revenue	1,00,31,07,000	48,000	1,00,31,55,000
12.	Energy Projects	Revenue	1,06,48,000	—	1,06,48,000
15.	Tax Collection Charges (Finance Department)	Revenue	25,64,000	—	25,64,000
19.	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	—	10,19,92,000	10,19,92,000
22.	Food	Capital	5,10,00,000	—	5,10,00,000
25.	Forests	Revenue	2,62,00,000	1,70,000	2,63,70,000
		Capital	2,57,64,000	—	2,57,64,000
28.	Governor	Revenue	—	5,00,000	5,00,000
30.	Elections	Revenue	44,44,000	—	44,44,000
32.	General Administration Department	Revenue	34,90,000	—	34,90,000
33.	Economic Advice and Statistics	Revenue	16,54,00,000	—	16,54,00,000
34.	Other Expenditure pertaining to General Administration Department	Revenue	—	3,35,000	3,35,000

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
38.	Medical and Public Health	Revenue 2,24,00,000	—	2,24,00,000	
41.	Home Department	Revenue —	2,000	2,000	
42.	Police	Revenue —	1,00,000	1,00,000	
44.	Transport	Revenue 19,08,55,000	5,55,000	19,14,10,000	
46.	Other Expenditure pertaining to Home Department	Revenue 7,00,000 Capital 37,00,000	— —	7,00,000 37,00,000	
49.	Industries	Revenue 50,00,000	9,03,000	59,03,000	
50.	Mines and Mineral	Revenue —	8,000	8,000	
60.	Administration of Justice	Revenue 16,44,000	6,88,000	23,32,000	
62.	Legislative and Parliamentary Affairs Department	Revenue 5,25,000	—	5,25,000	
66.	Irrigation and Soil Conservation	Revenue 2,39,58,000 Capital 31,00,000	9,27,000 2,58,49,000	2,48,85,000 2,89,49,000	
68.	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue —	4,53,00,000	4,53,00,000	
69.	Panchayats, Rural Housing and Rural Development Department	Revenue 5,00,000	—	5,00,000	
71.	Rural Housing and Rural Development	Revenue —	95,000	95,000	
76.	Revenue Department	Revenue 1,50,00,000	—	1,50,00,000	
79.	Relief on account of Natural Calamities	Revenue 1,04,58,00,000	—	1,04,58,00,000	
81.	Compensation and Assignment	Revenue —	9,50,000	9,50,000	
82.	Other Expenditure pertaining to Revenue Department	Revenue —	3,38,000	3,38,000	

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
84.	Non-Residential Buildings	Revenue	18,000	18,000	
		Capital	—	1,31,56,000	1,31,56,000
86.	Roads and Bridges	Revenue	—	20,81,000	20,81,000
		Capital	4,00,00,000	21,58,000	4,21,58,000
87.	Gujarat Capital Construction Scheme	Capital	—	5,000	5,000
88.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	—	71,92,000	71,92,000
93.	Special Component Plan for Scheduled Castes	Capital	50,27,000	—	50,27,000
94.	Tribal Area Sub-Plan	Revenue	65,00,000	56,58,000	1,21,58,000
		Capital	—	22,51,000	22,51,000
96.	Youth Services and Cultural Activities	Revenue	2,89,00,000	—	2,89,00,000
99.	Urban Housing	Revenue	1,30,00,000	—	1,30,00,000
100.	Urban Development	Revenue	12,75,57,000	—	12,75,57,000
<i>Total :</i>		Revenue :	3,09,87,67,000	18,18,14,000	3,28,05,81,000
		Capital :	35,41,48,000	4,34,19,000	39,75,67,000
<i>Grand Total :</i>			3,45,29,15,000	22,52,33,000	3,67,81,48,000



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

HOME DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 25th October, 2000.

GUJARAT ORDINANCE NO. 3 OF 2000.

AN ORDINANCE

further to amend the Bombay Motor Vehicles Tax Act, 1958.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Motor Vehicles Tax Act, 1958;

Bom. LXV of
1958.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 2000.
(2) It shall come into force at once.

2. *Bom. LXV of 1958 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in section 3.
3. *Amendment of section 3A of Bom. LXV of 1958.*—In the principal Act, in section 3A,—
 - (1) in sub-section (1), in the Table, in entry 1,—
 - (a) against clause (a), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 2,700" shall be substituted;
 - (b) against clause (b), for the letters and figures "Rs. 4,500", the letters and figures "Rs. 4,050" shall be substituted.
 - (2) in sub-section (5),—
 - (A) in clause (a),—
 - (a) for the words "the month", the words "each complete month of the period" shall be substituted;
 - (b) in sub-clause (i), for the words "two hundred fifty rupees", the words "six hundred seventy-five rupees" shall be substituted;
 - (c) in sub-clause (ii), for the words "three hundred seventy-five rupees", the words "one thousand twelve rupees" shall be substituted;
 - (d) in sub-clause (iii), for the words "three hundred seventy-five rupees", the words "one thousand one hundred twenty-five rupees" shall be substituted;
 - (e) in sub-clause (iv), for the words "five hundred rupees", the words "one thousand five hundred rupees" shall be substituted;
 - (f) in the proviso, for the word "month", the word "months" shall be substituted;
 - (B) in clause (b), for the portion beginning with the words "period exceeding one month" and ending with the words "the Government authority", the words "continuous period of not less than one month but exceeding three months in a year" shall be substituted.

STATEMENT

The Gujarat High Court in Special Civil Application No. 10356 of 1996 has held that the Bombay Motor Vehicles Tax Act, 1958 does not provide for levy and collection of tax on vehicles which do not use, or are kept for use of the public roads in the State. The High Court has observed that it is the non use that is the crucial fact that entitles the registered owner or the person in possession of vehicle to get refund. The reason for non use is irrelevant. While confirming the said judgement of the High Court, the Supreme Court in Civil Appeal No. 198 of 1999 has observed that what is material and relevant is use of road by vehicle for levy of tax under the Act. The reason for non use of road is immaterial and irrelevant when the nature of tax itself is compensatory for use of road. It is, therefore, considered necessary to amend sub-section (5) of section 3A so as to make the provisions in confirmity with the observation of the Court.

The rates of tax in respect of ordinary designated omnibuses and the luxury or tourist designated omnibuses were increased with effect from the 1st April, 2000. The tourist vehicle operators have represented to the State Government that the increase in rates of tax causes hardship. In order to remove such hardship and to promote the tourism in the State, it is considered necessary to reduce the annual rates of tax levied on ordinary designated omnibuses by ten per cent. For that purpose sub-section (1) of said section 3A is amended.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 25th October, 2000.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. M. PATEL,
Secretary to Government.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 4th November, 2000.

GUJARAT ORDINANCE NO. 4 OF 2000.

AN ORDINANCE

further to amend the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Panchayats Act, 1993;

Guj. 18 of
1993.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 2000.
- (2) It shall come in force at once.

2. *Guj. 18 of 1993 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 (hereinafter referred to as principal Act") shall have effect subject to the amendment specified in section 3.

Guj.18
of
1993.

3. *Amendment of section 257 of Guj. 18 of 1993.*—In the principal Act, in section 257, sub-section (2) shall be deleted.

STATEMENT

The existing provisions of sub-section (1) of section 257 of the Gujarat Panchayats Act, 1993 empowers the State Government to make declaration, by notification in the *Official Gazette*, to the effect that it is not possible to hold election before the expiry of duration of the panchayat on account of any natural calamity. Sub-section (2) provides that the notification so issued under sub-section (1) shall remain in force for a period not exceeding three months from the date of expiry of duration of the panchayat. Sub-section (3) further provides that on issue of such notification, all the powers and duties of the panchayat shall be exercised and performed, for the period during which the notification under sub-section (1) remains in force, by such officer as the State Government may specify.

The term of more than eight thousand village panchayats has already expired in the month of July, 2000 and the period of three months from the date of the notification issued under sub-section (1) of the said section 257 in respect of those village panchayats is also due to expire very shortly.

Due to failure of monsoon in the last year, the large parts of the State have faced unprecedented drought and the situation has become worst because of failure of monsoon season in the current year. The drought situation has further aggravated and the State has not only to face the scarcity problems but fodder and water problems too. The administrative machinery of the State under the circumstances is required to be geared up to meet with the unprecedented drought. In such natural calamity, holding of election of more than eight thousand village panchayats would render it difficult to cope with the work relating to drought relief and would affect adversely the implementation of such relief works.

Section 7A of the Bombay Provincial Municipal Corporation Act, 1949 empowers the State Government to appoint, by order published in the *Official Gazette*, an Administrator to manage the affairs of the Corporation in a case where, due to unforeseen circumstance such as natural calamity, riots, communal disturbances, the election to constitute Corporation could not be completed before the expiry of its duration.

Similarly, section 8A of the Gujarat Municipalities Act, 1963 empowers the State Government to appoint officer to exercise all the powers and perform the duties of the municipality where it is not possible to hold election to constitute a municipality on account of unforeseen circumstances such as natural calamity, riots, communal disturbances.

None of the aforesaid two Acts provide any such limitation like sub-section (2) of section 257 of the Gujarat Panchayats Act, 1993, while exercising such powers by the State Government for appointment of an Administrator.

In order to make uniformity in the local self-government laws and to meet with certain situations, it is considered necessary to delete sub-section (2) of section 257 of the Gujarat Panchayats Act, 1993.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 4th November, 2000.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

N. V. MODI,
Secretary to Government.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 6th November, 2000.

GUJARAT ORDINANCE NO. 5 OF 2000.

AN ORDINANCE

*further to amend the Bombay Tenancy and Agricultural
Lands (Gujarat Amendment) Act, 1995.*

WHEREAS the Legislative Assembly of the State of Gujarat
is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that
the circumstances exist which render it necessary for him to take
immediate action to amend the Bombay Tenancy and Agricultural
Lands (Gujarat Amendment) Act, 1995;

Guj. 4 of
1995.

NOW, THEREFORE, in exercise of the powers conferred
on him by clause (1) of article 213 of the Constitution of India, the
Governor of Gujarat is hereby pleased to make and promulgate the
following Ordinance, namely:—

1. Short title and commencement.—(1) This Ordinance may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Amending Ordinance, 2000.

(2) It shall come into force at once.

Guj. 4 of
1995.

2. *Guj. 4 of 1995 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995 (hereinafter referred to as “the amending Act”) shall have effect subject to the amendment specified in section 3.

3. *Amendment of section 2 of *Guj. 4 of 1995.**—In the amending Act, in section 2, for the words “shall be deleted” occurring at two places, the words “shall be and shall be deemed always to have been deleted” shall be substituted.

Bom.
LXVII
of 1948.

4. *Abatement of legal proceedings.*—All proceedings relating to any order made or purported to be made under section 84C of the Bombay Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as “the principal Act”) for contravention of provisions of section 63, so far as it relates to the breach of clause (6) of section 2 of the principal Act, pending before any court, tribunal or other authority or any such proceedings initiated by any such authority on or after the commencement of the amending Act shall stand abated notwithstanding anything contained in section 84C of the principal Act.

5. *Saving.*—The amendment made by section 3 shall not affect the validity of any such order referred to in section 4, made by any court, tribunal or other authority before the date of commencement of the amending Act, which has become final.

Explanation.—For the purpose of this section, the word “final” means no appeal, revision or any other proceeding is pending before any court, tribunal or other authority against any such order on the date of commencement of the amending Act.

STATEMENT

The restrictions to hold the agricultural land by distance of more than 5 miles i.e. 8 kilometers or the entire area of land shall form one compact block and the residential requirement for personal supervision for cultivation of land, have been removed by the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995.

The State Government has received several representations from farmers for withdrawal of the cases pending before any court, tribunal or other authority on the commencement of the said amending Act as they are facing hardships, particularly when the Government has already removed the aforesaid restrictions. In order to remove the such hardships, it is considered necessary to amend the said amending Act so as to remove the aforesaid restriction with the retrospective effect and to provide that the cases pending before any court, tribunal or other authority for contravention of section 63 so far as it relates to breach of clause (6) of section 2 of the principal Act, shall stand abated. It has also been provided that the amendment shall not affect the validity of any such order passed by any court, tribunal or any authority prior to commencement of the amending Act, which has become final.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said amending Act to achieve the aforesaid object.

**SUNDAR SINGH BHANDARI,
Governor of Gujarat.**

Gandhinagar,
Dated the 3rd November, 2000.

By order and in the name of the Governor of Gujarat;

B. K. SINHA,

Secretary to Government.



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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
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URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 22nd November, 2000.

GUJARAT ORDINANCE NO. 6 OF 2000.

AN ORDINANCE

*to regularise unauthorised development in urban development area
or development area in the State.*

WHEREAS there has been unauthorised development in the urban development area or development area in the State;

AND WHEREAS numerous buildings have been constructed in such areas without the permission of a competent authority or in contravention of the permission granted therefor;

AND WHEREAS such developments are liable to be removed and such buildings are liable to be pulled down under the relevant law;

AND WHEREAS removal of such developments or pulling down of such buildings or part thereof is likely to cause hardship to a large number of people;

to regularise the unauthorised development consistent with the safety and security of the people;

Legislative Assembly of the State of Gujarat AND WHEREAS Legislative Assembly of the State of Gujarat is not in session;

Gujarat is satisfied AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate steps to regularise unauthorised development in urban development area and development area in the State;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is pleased to make and promulgate the following Ordinance, namely:—

1. Short title and commencement.—(1) This Ordinance may be called the Gujarat Regularisation of Unauthorised Development Ordinance, 2000.

(2) It shall come into force at once.

2. Definitions.—(1) In this Ordinance, unless the context otherwise requires,—

(a) "area development authority" means the authority constituted by the President under section 5 of the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the Gujarat Act");

(b) "Commissioner" shall have the meaning assigned to it in clause (9) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Bombay Act");

(c) "designated authority" means the Commissioner, the area development authority or, as the case may be, urban development authority;

(d) "development" shall have the meaning assigned to it in clause (viii) of section 2 of the Gujarat Act;

(e) "development area" shall have the meaning assigned to it in clause (ix) of section 2 of the Gujarat Act;

(f) "prescribed" means prescribed by rules made under section 8;

(g) "the relevant law" means the Bombay Act or the Gujarat Act or any rules, bye-laws, regulations, standing orders or orders made thereunder;

(h) "urban development authority" shall have the meaning assigned to it in clause (xxviii) of section 2 of the Gujarat Act.

(2) Development shall be deemed to be unauthorised if no permission of authority competent to give such permission is obtained therefor or having obtained such permission, the development is in contravention of the relevant law or such permission.

3. Regularisation of unauthorised development.—(1) A notice issued to a person under the relevant law at any time before the commencement of this Ordinance requiring such person to remove or pull down or alter unauthorised development carried out, owned or occupied by him shall, on such commencement, stand suspended unless and until such notice stands revived under sub-section (5).

(2) (a) Notwithstanding anything contained in the relevant law, where in the opinion of the designated authority—

(i) a person has, at any time before the commencement of this Ordinance, carried out, owned or occupied any unauthorised development in urban development area or development area, and

(ii) such unauthorised development may, having regard to the provisions of section 4, be regularised,

the designated authority may, within such period as may be prescribed, serve on the person a notice requiring him within such period not being less than a month as may be specified therein to comply with such requisitions made under section 4 and specified therein and to pay to the designated authority such fees exceeding four hundred rupees but not exceeding ten thousand rupees per square metre of each category of unauthorised development as may be prescribed:

Provided that different rates of fees may be prescribed for different categories of unauthorised development in different areas and for different unauthorised uses.

(b) It shall be lawful for the designated authority to form the opinion referred to in sub-clause (a) either on the basis of information available with him or an application made to him by a person who has carried out or who owns or occupies the unauthorised development.

(3) Upon the compliance of requisitions made under section 4 and specified in the notice to the satisfaction of the designated authority and the payment of fees under sub-section (2), such development shall cease to be unauthorised and a certificate to that effect shall be issued to the person by the designated authority in such form as may be prescribed.

(4) An amount deposited by a person with the Municipal Corporation, the area development authority or, as the case may be, the urban area development authority against unauthorised development shall be set off against the fees to be paid by him under sub-section (2).

(5) Where no notice is served upon a person under sub-section (2) within the period prescribed under that sub-section or where a notice is served upon a person under sub-section (2) but a certificate is not obtained by him under sub-section (3) within such period as may be prescribed, any notice referred to in sub-section(1) issued to him shall stand revived.

4. Circumstances in which unauthorised development may or may not be regularised—(1) An unauthorised development shall not be regularised under sub-section (2) of section 3 in the case where unauthorised development is carried out on any of the following lands, namely:—

- (i) land belonging to Government, local authority or statutory body or land in respect of which a dispute exists in relation to its title or tenure,
- (ii) land allotted by the Government, local authority or statutory body for a specific purpose,
- (iii) land under alignment of roads indicated in development plan or a town planning scheme or under alignment of a public road or an internal road, of approved lay out,
- (iv) land designated or reserved under a development plan or a town planning scheme,
- (v) water courses and water bodies like tank beds, river beds, natural drainage and such other places,
- (vi) areas earmarked for the purpose of obnoxious and hazardous industrial development.

(2) Unauthorised development may be regularised only if it is consistent with—

- (a) any law (other than the relevant law) for the time being in force relating to control or regulation of development, and
- (b) subject to the provisions of sub-sections (4) and (5), fire safety measures and structural stability under the relevant law.

(3) (a) The designated authority may regularise any unauthorised development in respect of the following matters, namely:—

- (i) Margins and setbacks,
- (ii) Floor space index,
- (iii) Covered projection,
- (iv) Change of use,
- (v) A common plot and a consolidated open plot,
- (vi) Height of a building.

(b) The designated authority may regularise any unauthorised development in so far as parking and sanitary facilities are concerned subject to the following conditions, namely:—

- (i) A person shall provide such necessary parking facilities in unauthorised development and where it is not so feasible, within such distance from the unauthorised development as directed by the designated authority within a period of three months from such direction.
- (ii) In case where a person does not provide the necessary parking facilities as directed by the designated authority within the said period of three months, the designated authority shall, after giving intimation to the person, provide the necessary parking facilities at such suitable location as deemed fit at his risk and cost and such cost shall be recovered from him as an arrear of land revenue.
- (iii) A person shall provide such necessary sanitary facilities in unauthorised development as directed by the designated authority within a period of three months from such direction

(4) Notwithstanding anything contained in clause (b) of sub-section (2), the designated authority may direct making of provisions in the unauthorised development as follows, namely:—

- (a) In the case of buildings with 100 per cent. built-up area with no space for water storage tank and installation of fire pumps and no provision of alternate means of escape or no provision for fixed fire-fighting installations, the designated authority may, in consultation with the Chief Fire Officer of the Municipal Corporation, direct the person to provide such fire safety measures as may be specified in the direction within a period of three months from the date of such direction.
- (b) In the case of buildings where no space is available within the complex in which they are situate for the construction of underground water storage tanks and installation of fire pumps but adequate means of escapes are available, the designated authority may direct the person to provide common underground water storage tank and fire pumps in such complex at suitable location within a period of three months from the date of direction.
- (c) In the case of high rise buildings having height of fifteen metres or exceeding fifteen metres, the designated authority may permit a person to install diesel generating set instead of electric supply to the main fire pump within a period of three months.

(5) Where a person fails to comply with directions given to him by the designated authority under clause (a) ,(b) or (c) of sub-section (4), the designated authority shall install the required fire safety equipments and recover the cost thereof from the person as an arrear of land revenue.

5. Appeal.—(1) Any person aggrieved by the notice served upon him under sub-section (2) of section 3 may, within sixty days from the date of the receipt of the notice, prefer an appeal to an Appellate Officer, who shall be a person who has held the office of District Judge for a period not less than three years and appointed in this behalf by the State Government :

Provided that the Appellate Officer may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Officer may, after giving the appellant an opportunity of being heard, pass an order modifying or cancelling the notice or may reject the appeal.

(3) The decision of the Appellate Officer under sub-section (2) shall be final and shall not be questioned in any court.

(4) No appeal under this section shall be entertained by the Appellate Officer unless the amount of fees payable by the appellant under the notice is deposited with the designated authority:

Provided that where in the opinion of the Appellate Officer deposit of the amount by the appellant is likely to cause undue hardship to him, the Appellate Officer may in his discretion unconditionally or subject to such conditions as he may think to impose, dispense with a part of the amount deposited so however that the part of amount so dispensed with shall not exceed twenty-five per cent. of the amount deposited or required to be deposited.

6. Constitution of Infrastructure Development Fund.—Subject to the rules made under this Ordinance, all fees received under this Ordinance shall be credited to a fund which shall be called the Infrastructure Development Fund and which shall be held by the designated authority in trust for the purpose of augmentation, improvement or creation of an infrastructure facility.

7. Protection of action taken under the Ordinance.—(1) No suit, prosecution or other legal proceedings shall lie against any officer or authority for anything which is in good-faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government or any officer or authority for any damage caused or likely to be caused by anything which is done in good faith or intended to be done in pursuance of this Ordinance or any rules made thereunder.

8. Power to make rules.—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

- (a) the period within which a notice shall be served under sub-section (2) of section 3;
- (b) fees to be paid under sub-section (2) of section 3;
- (c) the form in which a certificate shall be issued under sub-section (3) of section 3;
- (d) the period within which a certificate shall be obtained under sub-section (3) of section 3;
- (e) any other matter which may be prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect.

STATEMENT

On account of the rapid growth of economic opportunities in and around the major cities of Gujarat, there has been constant influx of the rural people to the urban areas resulting in a steep increase in the demand for properties for residential, commercial and other uses. This has resulted in feverish construction activities and several buildings so constructed do not conform to the existing building regulations. Consequently, in the urban areas of the State there have come up a large number of buildings which have been constructed without permission or where permission is granted, constructed in contravention of the development and control regulations. The owners and occupants of such buildings have been given notices under the Bombay Provincial Municipal Corporations Act, 1949 or, as the case may be, the Gujarat Town Planning and Urban Development Act, 1976 requiring them to remove, pull down or alter the building. However, the owners and occupants have failed to comply with the requisition of the notice. Administratively, removal or pulling down of a large number of buildings is neither feasible nor desirable. Removal, pulling down or alteration of buildings on a large scale is fraught with possibility of creating law and order problem and hardship to the people as a large number of the people would be rendered homeless who would have to be provided with housing. The social and economic fabric of the society would be disturbed leading to a chaotic situation in the society. In order to avoid such a situation, intervention of the Government by legislation for regularisation has become a compelling necessity. Faced with similar situations, some other State Governments in the country have also come out with suitable legislation for regularisation. Therefore, the course available to the Government is to regularise unauthorised construction of the buildings.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to regularise the unauthorised development in the urban areas of the State.

Gandhinagar,
Dated the 22nd November,2000.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

DR. MANJULA SUBRAMANIAM,
Principal Secretary to Government.

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

ENERGY AND PETROCHEMICALS DEPARTMENT

Sachivalaya, Gandhinagar, Date the 19th December, 2000.

GUJARAT ORDINANCE NO. 7 OF 2000.

AN ORDINANCE

to provide for regulation of transmission, supply and distribution of gas in the interests of general public and to promote gas industry in the State and for that purpose to establish the Gujarat Gas Regulatory Authority and for matters connected therewith or incidental thereto.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for regulation of transmission, supply and distribution of gas in the interests of general public and to promote gas industry in the State and for that purpose to establish Gujarat Gas Regulatory Authority and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Gujarat Gas (Regulation of Transmission, Supply and Distribution) Ordinance, 2000.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. Definitions.— In this Ordinance, unless the context otherwise requires,—

(a) “Authority” means the Gujarat Gas Regulatory Authority established under section 4;

(b) “bulk consumer” means a person who consumes gas exceeding twenty-five thousand cubic metres per day;

(c) “Chairperson” means the Chairperson of the Authority;

(d) “Commissioner” means the Commissioner of Gas appointed under section 3;

(e) “committee” means the committee constituted under section 11;

(f) “common carrier” means the basis of arrangements by which an access has to be provided to any person for the transmission and distribution of gas through pipelines;

(g) “distribution” means distribution of gas at a low pressure by means of pipelines to a consumer other than a bulk consumer;

(h) “gas” means a matter in gaseous state which predominantly consists of methane;

(i) “high pressure” means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;

(j) “licence” means a licence granted under section 26;

(k) “licensee” means a person holding a licence;

(l) “low pressure” means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;

(m) “member” means a member of the Authority and includes the Chairperson;

(n) “pipeline corridors” means pipelines laid or to be laid together with sufficient adjacent land;

(o) “prescribed” means prescribed by rules;

(p) “regulations” means regulations made under this Ordinance;

(q) “rules” means rules made under this Ordinance;

(r) “specified Government company” means such Government company, the main object of which is the transmission of gas, as the State Government may, by notification in the *Official Gazette*, specify;

(s) “supplier” means a person who supplies gas;

(t) “supply” means supply of gas by means of pipelines but does not include distribution;

(u) “transmission” means transmission of gas at a high pressure by means of pipelines; and

(v) “Tribunal” means the Tribunal constituted under section 30.

CHAPTER II

COMMISSIONER OF GAS

3. Commissioner.—(1) The State Government may, by notification in the *Official Gazette*, appoint an officer to be the Commissioner, who shall exercise such powers and perform such functions and duties as are conferred or imposed on him by or under this Ordinance.

(2) The Commissioner shall exercise the powers and perform the functions and duties conferred or imposed on him under this Ordinance, subject to the control of the State Government.

(3) To assist the Commissioner in exercising his powers and performance of his functions and duties under this Ordinance, the State Government may appoint such officers and persons and give them such designation (if any), as the State Government thinks necessary.

CHAPTER III

ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

4. Establishment and incorporation of Authority.—(1) The State Government shall, by notification in the *Official Gazette*, establish an Authority by the name of the Gujarat Gas Regulatory Authority with effect from such date as may be specified in the notification.

(2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Ordinance, be competent to acquire, hold or dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Ordinance.

5. Head quarters of Authority.—The head quarters of the Authority shall be at Ahmedabad or at such other place as the State Government may, by a notification in the *Official Gazette*, specify.

6. Constitution of Authority.—(1) The Authority shall consist of a Chairperson and two other members to be appointed by the State Government.

(2) Out of the three members—

(a) one shall be a person who has special knowledge and professional experience in the field of engineering related to transmission, supply or distribution of gas or designing, laying and operating of pipelines therefor,

(b) one shall be a person who has special knowledge and professional experience in the field of administration, economics, commerce, finance, law or management,

(c) one shall be a person who possesses qualifications either under clause (a) or (b).

(3) A member of the Authority shall render whole time service and shall not hold any other office during the tenure of his office.

7. *Term of office and conditions of service of members.*—(1) The Chairperson and the other members shall hold office for a period of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever period is less.

(2) The salary and allowances payable to and other conditions of service of a member shall be such as may be prescribed :

Provided that the salary and allowances and other conditions of service of a member shall not be varied to his disadvantage during the tenure of his office.

8. *Filling up of vacancies.*—On occurrence of any vacancy in the office of a member on account of death, resignation or any other reason, the same shall be filled in by the State Government in the manner provided in section 6.

9. *Disqualifications.*—A person shall be disqualified for being appointed or being a member of the Authority if, such person—

- (a) is a member of Parliament or of any States Legislature or of any local authority;
- (b) is a member of a political party;
- (c) is, or at any time, has been adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;
- (d) is of unsound mind and stands so declared by a competent court;
- (e) is, or has been convicted of any offence which, in the opinion of the State Government involves moral turpitude;
- (f) has either directly or indirectly any financial or other interest which is likely to affect prejudicially his functioning as a member; or
- (g) has either directly or indirectly any financial or other interest in—
 - (i) transmission, supply or distribution of gas;
 - (ii) production, sale or supply of gas whether used in any industry or not;
 - (iii) manufacture of, or any dealings in, plant and machinery, equipments, apparatus, or fittings for the matters specified in sub-clause (i), or
 - (iv) any body which provides professional services in relation to matters specified in sub-clauses (i), (ii) and (iii).

10. *Removal and resignation of member.*—(1) Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office, if, in its opinion, such member—

- (a) is or has become, subject to any of the disqualifications mentioned in section 9;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging his duties as a member;
- (d) has so abused his position as to render his continuance in office prejudicial to public interest, or

(e) has without reasonable cause refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office—

(i) on the ground specified in clause (f) or (g) of section 9 or clause (b), (c) or (d) of sub-section (1), unless the committee on a reference made to it in this behalf by the State Government, has after an inquiry including an opportunity of being heard to the member, reported that the member is liable to be removed on such ground;

(ii) on any other ground, unless an opportunity of being heard is given to the member.

(2) A member in respect of whom a reference has been made under clause (i) of the proviso to sub-section (1) shall not perform his functions as a member until the State Government removes the member from his office or decides not to remove the member from his office, on receipt of the report of the Committee on such reference.

(3) A member may resign from his office by giving notice in writing, for such period as may be prescribed, to the State Government, and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office.

11. *Committee for inquiry.*—(1) For the purpose of section 10, the State Government may, by notification in the *Official Gazette*, constitute a committee consisting of not less than three members who shall be officers of a rank not below that of a Secretary to the State Government to be nominated by the State Government, *ex-officio*.

(2) The member who is senior most in service shall be the Chairman of the committee.

(3) The committee shall follow such procedure for disposal of its business as may be prescribed.

12. *Prohibition of appearance before Authority etc., on ceasing to be a member.*—A person who ceases to be a member shall not—

(a) be entitled to appear for a period of three years in any proceedings before the Authority as a representative of any person;

(b) acquire either directly or indirectly any financial or other interest of the nature specified in clause (g) of section 9 for a period of two years from the date of such cesser; or

(c) accept employment in a company or its subsidiary, which carries on the business of transmission or distribution, for a period of three years from the date of such cesser.

Explanation.—For the purpose of this clause, the expression 'company' shall have the same meaning as assigned to it in clause (a) of *Explanation* to section 36.

13. *Meetings of Authority.*—(1) The Authority shall meet at such time and such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure in regard to transaction of its business at its meetings (including the quorum at such meetings) as may be provided by the regulations.

(2) If the Chairperson is for any reason unable to attend a meeting of the Authority, the other member shall preside at the meeting.

(3) All the questions at a meeting of the Authority shall be decided by a majority of the members present and voting, and in case of an equality of votes, the Chairperson or in his absence, the person presiding, shall have and exercise a second or casting vote.

14. *Officers and employees of Authority.*—(1) The Authority may, with the approval of the State Government, determine such number and category of officers and employees as it considers necessary for the efficient performance of its functions.

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of officers and employees, shall be such as may be determined by the regulations.

15. *Consultants.*—The Authority may, for the purpose of enabling it to perform its functions, appoint consultants on such terms and conditions as may be determined by the regulations.

16. *Acts and proceedings presumed to be valid.*—(1) No act or proceeding of the Authority shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Authority.

(2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

CHAPTER IV

FUNCTIONS AND POWERS OF THE AUTHORITY

17. *Functions of Authority.*—Subject to the provisions of this Ordinance, the Authority shall perform the following functions, namely :—

- to regulate transmission, supply and distribution of gas in the State and laying of pipelines therefor,
- to promote gas industry in the State in accordance with the direction given by the State Government,
- to give direction to a licensee for ensuring compliance of terms and conditions of a licence held by him,
- to regulate the charges for transmission,
- to promote efficiency, economy and safety in the use of gas in the State,
- to give direction to a supplier or bulk consumer for ensuring compliance by him of the standards of safety, operation and environment for supply or bulk consumption of gas,
- to set and enforce standards of safety, operation and environment for transmission, supply and distribution and bulk consumption of gas,
- to lay down by regulations the principles of common carrier for transmission and distribution and to enforce the same,
- to adjudicate upon the disputes and difference amongst licensees and a suppliers, or between the specified Government company

and a licensee or a supplier or between a supplier and a person who buys gas from supplier and to refer matters for arbitration if considered necessary, in accordance with the provisions of this Ordinance,

- (j) to hold, wherever necessary, an inquiry in accordance with such procedure as may be prescribed,
- (k) to advise the State Government on matters relating to transmission, supply and distribution of gas in the State, and
- (l) to perform such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions entrusted to it by or under this Ordinance.

18. Powers of Authority.—(1) The Authority shall, for the purposes of any inquiry under this Ordinance, have the powers of a civil court

while trying a suit, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any witness and examining him on oath,
- (b) requiring the discovery and production of any document or other material object producible as evidence,
- (c) receiving of evidence on affidavits,
- (d) requisitioning of any public record or a copy thereof from any court or office,
- (e) issuing commissions for examination of witnesses or documents,
- (f) reviewing of its decisions, directions and orders, and
- (g) any other matter which may be prescribed.

(2) The Authority shall have the power to pass such interim order in any matter before it, as it may consider appropriate.

(3) Where the Authority is of opinion that it is necessary so to do for the purposes of this Ordinance, it may require by an order in writing to the specified Government company or any person—

- (a) to produce before, or to allow to be examined by, an officer specified in the said order such books, accounts or other documents in the custody or control of that company or person, relating to any matter concerning the transmission, supply or distribution or laying of pipelines therefor as may be specified in the order, and
- (b) to furnish to the officer specified in the order such information in its or his possession, power or control as may be specified in the order.

(4) The Authority may require the specified Government company or any person—

- (a) to produce before or to allow to be examined by an officer of the Authority authorised by it in this behalf, such books, accounts or other documents relating to the functioning of the company engaged in transmission of gas or of any undertaking engaged in supply, distribution or use of gas, in the custody or under the control of such company or person,

- (b) to furnish to the authorised officer such information in the possession, power or control of such company or person for the purposes of performance of the functions by the Authority.
- (5) Where during any inquiry or proceeding under this Ordinance, the Authority has reason to believe that any books or accounts or documents of or relating to the specified Government company engaged in transmission of gas or any person engaged in supply, distribution or use of gas in relation to which or whom such inquiry is made or proceedings are undertaken are being or may be destroyed, mutilated, altered, falsified or secreted, the Authority may by written order authorise any officer of the Authority to enter and search any place of business of the company or person or any other place where the Authority has reason to believe that the company or person keeps or is for the time being keeping books or accounts or documents and to seize the same and after granting a receipt therefor retain the same for such period so long as is necessary in connection with such inquiry or proceeding.
- (6) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to the searches and seizures made under sub-section (5). 2 of 1974.
- (7) The Authority may, by a general or special order call upon the specified Government company or any person to furnish to the Authority periodically or, as and when required, any information concerning its or his activities related to transmission, supply, distribution of gas or laying of pipelines therefor or use of gas.
- (8) The Authority may, for the purpose of placing gas pipelines, appliances and apparatus, by an order, confer—
 - (i) upon the specified Government company for transmission, and
 - (ii) upon a licensee or any other person for supply and distribution, any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885 with respect to placing of telegraph lines and posts subject to such conditions as the Authority may specify in such order. 13 of 1885.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND REPORTS

19. *Fund of Authority.*—(1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.

(2) The Authority may accept grants and subventions from the State Government or a local authority for the purposes of this Ordinance.

(3) The Authority may spend such sums as it thinks fit for the performance of its functions under this Ordinance and such sums shall be treated as expenditure payable out of the Fund of the Authority.

(4) All moneys belonging to the fund of the Authority shall be deposited in such bank or invested in Government securities or in such other manner, as the State Government may, by general or special order, direct.

20. *Budget of Authority.*—The Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year showing the estimated receipts and expenditure of the Authority and forward the same to the State Government.

21. *Accounts and audit of Authority.*—(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Ordinance shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Authority and the State Government shall cause the audit report to be laid, as soon as may be, after it is received, before the State Legislature.

22. *Annual report of Authority.*—(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report including a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be, after it is received, before the State Legislature.

CHAPTER VI

TRANSMISSION OF GAS

23. *Specified Government company to transmit gas in State.*—(1)

(a) No person other than the specified Government company and a person referred to in sub-section (1) of section 55 shall carry on the business of transmission in the State.

(b) Subject to the rules, if any, the specified Government company shall carry on the business of transmission in the State.

(2) Without prejudice to the generality of the provision contained in sub-section (1), but subject to the other provisions of this Ordinance, the specified Government company shall,—

- (a) establish or cause to be established a transmission system (which shall include laying of pipelines) for conveyance of gas on the principle of common carrier and operate or cause to be operated the same,
- (b) determine transmission charges,
- (c) plan and develop pipeline corridors for transmission system in the State, and
- (d) maintain such standards of efficiency, economy and safety in relation to its business of transmission as laid down by the Authority.

24. *Specified Government company to have exclusive privilege of carrying on business of transmission of gas.*—Except to the extent otherwise expressly provided in sub-section (1) of section 55, on and with effect from the date of coming into force the remaining provisions of this Ordinance, the specified Government company shall have the exclusive privilege of carrying on the business of transmission in the State.

CHAPTER VII

LICENSING OF DISTRIBUTION OF GAS

25. *Prohibition on distribution without licence.*—(1) No person shall carry on business of distribution in the State, except under a licence granted under this Ordinance.

(2) No person shall lay pipelines for distribution in the State unless he is a licensee.

26. *Grant of licence.*—(1) (a) A person may make an application to the Commissioner for grant of a licence for carrying on the business of distribution.

(b) A person carrying on the business of distribution of gas on the date of coming into force the remaining provisions of this Ordinance (hereinafter referred to 'as the said date') shall, within three months from the said date, make an application to the Commissioner for grant of a licence for carrying on the business of distribution, and

- (i) a person who makes such an application shall be deemed to have been authorised to carry on such business from the said date till the date on which he is either granted or refused a licence,
- (ii) a person who does not make such application within the said period of three months shall be deemed to be carrying on business of distribution without a licence.

(2) Every application under sub-section (1) shall be made in such form, and shall contain such particulars; including those regarding the competency of the applicant to undertake the business of distribution and accompanied by such fees, as may be prescribed.

(3) The Commissioner may grant a licence to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed.

- (4) For the purpose of granting a licence under sub-section (3), the Commissioner shall, so far as may be, follow the procedure of public competitive bidding laid down in the Gujarat Infrastructure Development Act, 1999.
- (5) Unless it is specifically provided in the terms of a licence, the grant of a licence to a person shall not in anyway hinder or restrict the power of the Commissioner to grant a licence to another person in respect of the same area of distribution and the licensee shall not be entitled to claim any exclusivity.

Guj. 11 of
1999.

27. *Amendment of licence.*—Where in its opinion, the public interest so requires, the State Government may on the application of a licensee, direct the Commissioner to make such amendments in the terms and conditions of a licence as it thinks fit having regard to the objects and purposes of this Ordinance and the Commissioner shall make amendments in the licence accordingly.

28. *Revocation and suspension of licence.*—If the Commissioner is satisfied either on a reference made to it or otherwise that—

- (a) a licence granted under section 26 has been obtained by misrepresentation as to an essential fact, or
- (b) the licensee has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Ordinance or the rules or the regulations made thereunder, then without prejudice to any other penalty to which the licensee may be liable under this Ordinance, the Commissioner may, after giving the licensee an opportunity of showing cause—
 - (i) revoke the licence on the ground stated in clause (a), or
 - (ii) revoke the licence or forfeit the sum, if any, or any portion thereof deposited as security for due performance of the conditions subject to which the licence has been granted, on the ground stated in clause (b), or
 - (iii) suspend the licence for such period as he thinks fit, on the ground stated in clause (b).

CHAPTER VIII

ARBITRATION AND APPEALS

29. *Arbitration by Authority.*—(1) (a) Any dispute arising between the specified Government company and a licensee or between licensees or between a person who supplies gas and a person who buys gas from him, shall be referred to the Authority.

(b) The Authority may adjudicate the matter or nominate a person to adjudicate and settle such dispute.

(c) The procedure to be followed in connection with such adjudication shall be such as may be prescribed by the regulations.

(2) Where an adjudication is made by the nominee appointed by the Authority, it shall be filed before the Authority and the Authority shall pass such order as deemed fit including an order—

- (a) confirming and enforcing the adjudication,

- (b) setting aside or modifying the adjudication, or
- (c) remitting the adjudication to the nominee for reconsideration.

(3) The adjudication made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) shall be enforceable as if it were a decree of a civil court.

(4) The Authority or, as the case may be, a nominee may, at any time before the commencement or during the pendency of proceedings under sub-section (1), make such interim order as the Authority or, as the case may be, the nominee deems fit.

30. *Constitution of Tribunal.* —(1) The State Government shall constitute a Tribunal to be called the Gujarat Gas Tribunal to discharge the functions conferred on the Tribunal by or under this Ordinance.

(2) The Tribunal shall consist of two members who shall be appointed by the State Government, out of whom—

- (a) one shall be a person who is or has been a Judge of the High Court, and
- (b) one shall be a person who is or has held the post not below the rank of the Secretary to the State Government.

(3) The term of office and conditions of service of the members of the Tribunal shall be such as may be prescribed.

(4) The State Government may terminate the appointment of the member of the Tribunal before the expiry of the term of his office if such member,—

- (a) is adjudged an insolvent, or
- (b) engages during his term of office in any paid employment outside the duties of his office, or
- (c) is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member, or
- (d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or
- (e) is convicted of an offence involving moral turpitude.

(5) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award cost and the amount of such costs shall be recoverable from the person ordered to pay the same as arrears of land revenue.

(6) Subject to the previous sanction of the State Government, the Tribunal shall, for the purpose of regulating its procedure (including the place or places at which the Tribunal shall sit) and the disposal of its business, make regulations consistent with the provisions of this Ordinance and rules made thereunder.

(7) The regulations made under sub-section (6) shall be published in the *Official Gazette*.

31. *Powers of Tribunal.* —(1) For the purpose of exercising its jurisdiction under this Ordinance, the Tribunal shall have the same powers as are vested in the civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;

- (c) issuing commissions for the examination of witnesses; and
- (d) such other matters as may be prescribed.
- (2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963.

36 of 1963.

32. *Appeals.*—(1) An appeal shall lie to the Tribunal against the following orders and award, namely:—

- (a) an order refusing to grant a licence under section 26,
- (b) an order revoking or suspending a licence or forfeiting the sum of deposit under section 28,
- (c) an award made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) of section 29.
- (2) No appeal shall be entertained unless it is filed within a period of sixty days from the date of communication of the order or award.
- (3) The Tribunal may admit an appeal after the period of limitation specified in sub-section (2), if the appellant satisfies the Tribunal that he had sufficient cause for not filing appeal within such period.
- (4) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.
- (5) Notwithstanding anything contained in the Bombay Court Fees Act, 1959, an appeal under this section shall bear a court fee stamp of such value as may be prescribed.

36 of 1963.

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of 1959.

33. *Bar of jurisdiction of civil court.*—(1) No civil court shall have jurisdiction to deal with or decide any question which the State Government, the Authority or any officer appointed by the Authority or the Commissioner or the Tribunal is empowered to deal with or decide by or under this Ordinance.

(2) No order passed under this Ordinance or any rules or regulations made thereunder by the State Government, the Authority or any officer appointed by the Authority, the Commissioner or by the Tribunal, shall be called in question in any civil court.

CHAPTER IX

OFFENCES AND PENALTIES

34. *Penalty for contravention of provisions of sections 23, 25 and 55.*—

- (1) Whoever carries on business of transmission in contravention of clause (a) of sub-section (1) of section 23 or of clause (a) or (b) of sub-section (2) of section 55, or
- (2) Whoever carries on business of distribution or lays pipelines for such distribution without a licence in contravention of section 25, shall on conviction, be punished with imprisonment which may extend to six months or with fine not exceeding five lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding twenty thousand rupees for every day after the first, during which the offence continues.

35. *General penalty.*—Where a licensee, supplier, bulk consumer or any other person fails without any reasonable cause, to comply with any order, direction or requisition lawfully made or given under any provision of this Ordinance or any rules or regulations made thereunder, he shall, on conviction be punished with imprisonment which may extend to three months or with fine not exceeding two

lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding ten thousand rupees for everyday after the first, during which the offence continues.

36. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Ordinance if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) “company” means a body corporate and includes a firm or other association of individuals ; and
- (b) “director” in relation to a firm, means a partner in the firm.

37. *Cognisance of offences.*—(1) No court shall take cognisance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by an officer of the Authority generally or specially authorised by it in this behalf.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1973, it shall not be necessary to examine the authorised officer of the Authority when cognisance of an offence is taken on a report of such officer under sub-section (1).

38. *Jurisdiction of court.*—No court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try an offence punishable under this Ordinance.

39. *Compounding of offences.*—(1) The Commissioner may, either before or after the institution of proceeding for any offence punishable under section 34 or 35 or under any rules or regulations, accept from any person charged with such offence by way of composition of the offence, a sum not exceeding the maximum penalty of fine with which the offence is punishable.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

CHAPTER X

MISCELLANEOUS

40. *Standards of performance.*—(1) The Authority may, in consultation with the specified Government company and licensees and if deemed fit, with such other persons as it thinks necessary, by an order—

- (a) lay down—
 - (i) such standards of overall performance in connection with transmission and distribution as in its opinion is necessary for the specified Government company or, as the case may be, a licensee to achieve,
 - (ii) such standards in connection with efficient use of gas by consumers as in its opinion are necessary,
- (b) prescribe operation codes including network code to be complied with by the specified Government company, licensees and suppliers,
- (c) prescribe safety regulations for operation of transmission system and distribution system and use of gas.

(2) The order made under sub-section (1) shall be published in such manner as the Authority thinks fit.

41. *Information on standards of performance.*—The Authority may, in consultation with licensees and if deemed fit, with such other persons as it thinks necessary, prescribe by regulations the circumstances in which the licensees shall inform the consumers of gas of their rights in relation to distribution to them and compensation to be paid by the licensees to the consumers for any delay or default committed by the licensees in distribution to consumers.

42. *Information with respect to level of performance.*—(1) The Authority may, from time to time, collect information with respect to—

- (a) the fines or penalties levied on licensees under this Ordinance, and
- (b) the levels of performance achieved by the specified Government company in connection with the transmission and by the licensees in connection with distribution and the efficient use of gas by consumers.

(2) For the purposes of sub-section (1), each licensee shall, on or before such date in each year as may be specified by the Authority in a direction issued in that behalf, furnish to the Authority, the following information with respect to each standard laid down under clause (a) of sub-section (1) of section 40, namely:—

- (a) the number of cases in which penalties are levied and the aggregate value thereof, and
- (b) such information regarding the level of performance achieved by a licensee as required by the direction.

(3) The Authority may, not less than once in every year, publish in such form and in such manner as it may deem fit, such of the information collected by it or furnished to it under this section.

43. (1) *Information relating to financial matters.*—The Authority may, by notice in newspapers or in such other manner as in its opinion best calculated, call upon all persons carrying on the business of transmission, distribution or supply, or any class of them, to furnish such information or returns as may be stated therein relating to their financial matters.

(2) The form in which the information or returns shall be furnished, the particulars which they shall contain and intervals at which they shall be furnished, shall be such as may be prescribed by regulations.

44. *Restriction on disclosure of information.*—(1) Subject to the provisions of this Ordinance, no information relating to business of transmission, supply or distribution of gas carried on by any person shall be disclosed by the Authority without the consent of the person so long as the business is carried on, if such information—

(a) is obtained by the Authority by or under this Ordinance, and

(b) is confidential in nature.

(2) The restriction imposed by sub-section (1) shall not apply to the disclosure of information—

(a) in any suit, prosecution or other legal proceeding,

(b) for the purpose of the State,

(c) before any authority established by law,

(d) in public interest, or

(e) in the annual report referred to in section 22.

45. *Recovery of fees, fines and charges.*—The fees, fines, charges and such other sums due to the Authority under this Ordinance shall be recoverable as arrears of land revenue.

46. *Application of fines and charges.*—The Authority imposing fine under this Ordinance may direct that the whole or any part thereof shall be applied towards payment of the costs of the proceedings.

47. *Proceedings before Authority and Tribunal.*—All proceedings before the Authority and the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code.

48. *Members, officers and employees of Authority to be public servant.*—All members and officers and employees of the Authority, the Commissioner and all officers and persons appointed under section 3 to assist him and all members of the Tribunal shall, when acting or purporting to act in pursuance of the provisions of this Ordinance or any rules or regulations made thereunder, be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

49. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or employee of the Authority and the Commissioner and officers and persons appointed under section 3 to assist him for anything which is in good faith done or intended to be done in pursuance of the provisions of this Ordinance or any rules or regulations made thereunder.

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50. *Power of State Government to give directions to Authority.*—(1) In performance of its functions under this Ordinances, the Authority and the Commissioner shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether the question is of a policy or not, shall be final.

51. *Powers of State Government to make rules.*—(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) the salary, allowances and other conditions of service of the members under sub-section (2) of section 7;
- (b) the period of notice to be given under sub-section (3) of section 10;
- (c) the procedure to be followed by the Committee for disposal of its business under sub-section (3) of section 11;
- (d) the procedure in accordance with which an inquiry shall be held under clause (j) of section 17;
- (e) the other functions to be performed by the Authority under clause (l) of section 17;
- (f) the other matter in respect of which the Authority shall have power of a civil court under clause (g) of sub-section (1) of section 18;
- (g) the form in which and the time at which the Authority shall prepare its budget under section 20;
- (h) the form in which an annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 21;
- (i) the form in which and the time at which the Authority shall prepare its annual report under sub-section (1) of section 22;
- (j) the rules subject to which the specified Government company shall carry on the business of transmission in the State under clause (b) of sub-section (1) of section 23;
- (k) the form in which an application shall be made and the particulars which it shall contain and the fees with which it shall be accompanied under sub-section (2) of section 26;
- (l) the form in which and the terms and conditions subject to which a licence shall be granted and fees to be paid therefor under sub-section (3) of section 26;
- (m) the value of court fee stamp which an appeal shall bear under sub-section (5) of section 32; and

- (n) any other matter which has to be, or may be, prescribed under this Ordinance.
- (3) In making rules under this section, the State Government may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.
- (4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

52. *Power to make regulations.*—(1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Ordinance and the rules made thereunder, for enabling it to perform its functions under this Ordinance.

- (2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for all or any of the following matters, namely:—
 - (a) the time and place of the meetings of the Authority, the procedure to be followed in regard to the transaction of its business at such meetings and the quorum necessary for transaction of business at meetings under sub-section (1) of section 13,
 - (b) the manner of recruitment of, the salary and allowances payable to, and other conditions of service of officers and employees of the Authority under sub-section (2) of section 14,
 - (c) the terms and conditions of appointment of consultants under section 15,
 - (d) the principles of common carrier for transmission and distribution under section 17,
 - (e) the circumstances in which licensees shall inform the consumers of gas about their rights and compensation to be paid under section 41, and
 - (f) the form in which the information or return shall be furnished, the particulars which they shall contain and intervals at which they shall be furnished under sub-section (2) of section 43.
- (3) In making regulations under this section, the Authority may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.
- (4) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they

are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

53. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provision, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Ordinance.

54. *Transitional provision.*—(1) Until the Gujarat Gas Regulatory Authority is duly established and constituted under this Ordinance for the first time, its functions and powers under this Ordinance shall be performed and exercised by the State Government or such officer as may be authorised by the State Government by notification in the *Official Gazette*.

(2) Anything done or any action taken by the State Government or the officer so authorised in the performance of the functions or the exercise of the powers of the Authority under sub-section (1), shall be binding on the Authority when it is so established and constituted.

55. *Savings.*—(1) Any person who has been carrying on the business of transmission at any pressure in the State before the date of commencement of this Ordinance (hereinafter in this section referred to as "the commencement date") may subject to the provisions of this Ordinance continue to carry on the business of transmission on or after the commencement date so however that—

- he shall not lay any pipeline in addition to those existing immediately before the commencement date; and
- where the quantum of gas which he transmits on or after the commencement date by means of pipelines existing before the commencement date exceeds the quantum of gas transmitted by him on the day immediately before the commencement date—
 - the charges for transmitting the excess gas shall be regulated by the Authority, and
 - the transmission of the excess gas shall be based on the principles of common carrier.

(2) A licensee or a supplier or a bulk consumer may undertake transmission and lay and operate dedicated pipelines therefor subject to the previous approval of the specified Government company and such regulations which the Authority may make with regard to the standards of safety, operation and environment.

Explanation.—For the purpose of this sub-section, the expression "dedicated pipeline" means a pipeline laid and operated by a licensee or by a supplier or by a bulk consumer for obtaining gas from pipelines operated for transmission by the specified Government company or a person referred to in sub-section (1).

STATEMENT

Many Liquefied Natural Gas (LNG) import projects have been planned in the State of Gujarat to meet the growing demand of gas as fuel from industrial, commercial and domestic establishment. Indigenous natural gas availability in the State of Gujarat is not sufficient to meet even the current demand. LNG is the answer to the growing fuel need of the State. Because of its strategic coastal location, the State of Gujarat is well positioned to help neighbouring States also for meeting their gas needs.

In order to ensure systematic and integrated development of gas industry in the State, it is considered necessary to set up a Gas Regulatory Authority. The Authority has not only to regulate transmission, supply and distribution of gas but also to look after the environmental safety and efficiency aspects of developing the gas industry in the State. In order to encourage investment in distribution sector, it is also considered necessary to provide for licensing of gas distribution.

The Gas transmission pipeline systems are highly capital intensive and duplication thereof is not in the interest of gas consumers. In the interest of co-ordinating development of gas industry, it is considered necessary to introduce principle of common carrier for operation of gas pipelines. It is, therefor, considered necessary to confer on the specified Government company, exclusive responsibilities for developing and operating integrated gas transmission system in the State so as to ensure cost efficient and systematic operation of the gas grid system in the State.

For this purpose, a Bill called the Gujarat Gas (Regulation of Transmission, Supply and Distribution) Bill, 2000 was published with a view to introduce in the last session of the Gujarat Legislative Assembly but could not be taken up by the House for want of time.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,
Dated the 18th December, 2000.

SUNDAR SINGH BHANDARI,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

VIJAY RANCHAN,
Principal Secretary to Government.

(C)



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 26th December, 2000.

GUJARAT ORDINANCE NO. 8 OF 2000.

AN ORDINANCE

Further to amend the Gujarat Tribal Development Corporation Act, 1972, the Gujarat Scheduled Castes Development Corporation Act, 1985 and the Gujarat Backward Classes Development Corporation Act, 1985.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Tribal Development Corporation Act, 1972, the Gujarat Scheduled Castes Development Corporation Act, 1985 and the Gujarat Backward Classes Development Corporation Act, 1985;

Guj. 5 of 1972.
Guj. 10 of 1985.
Guj. 11 of 1985.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*— (1) This Ordinance may be called the Gujarat Development Corporations Laws (Amendment) Ordinance, 2000.

(2) It shall come into force at once.

2. *Guj. 5 of 1972, Guj. 10 of 1985 and Guj. 11 of 1985 to be temporarily amended.*— During the period of operation of this Ordinance, the Gujarat Guj. 5 of 1972. Tribal Development Corporation Act, 1972, the Gujarat Scheduled Castes Guj. 10 of 1985. Development Corporation Act, 1985 and the Gujarat Backward Classes Guj. 11 of 1985. Development Corporation Act, 1985 shall have effect subject to the amendments specified in sections 3 to 5.

3. *Amendment of section 5 of Guj. 5 of 1972.*— In the Gujarat Tribal Guj. 5 of 1972. Development Corporation Act, 1972, in section 5, in sub-section (1), for the words “twenty crores of rupees” where they occur at three places, the words “fifty crores of rupees” shall be substituted.

4. *Amendment of section 17 of Guj. 10 of 1985.*— In the Gujarat Guj. 10 of 1985. Scheduled Castes Development Corporation Act, 1985, in section 17, in sub-section (1), for the words “ten crores of rupees” where they occur at three places, the words “fifty crores of rupees” shall be substituted.

5. *Amendment of section 18 of Guj. 11 of 1985.*— In the Gujarat Guj. 11 of 1985. Backward Classes Development Corporation Act, 1985, in section 18, in sub-section (1), for the words “fifteen crores of rupees” where they occur at three places, the words “fifty crores of rupees” shall be substituted.

STATEMENT

Sub-section (1) of section 5 of the Gujarat Tribal Development Corporation Act, 1972 empowers the State Government to provide to the Corporation, a sum not exceeding twenty corers of rupees, as capital. Similarly, sub-section (1) of section 17 of the Gujarat Scheduled Castes Development Corporation Act, 1985 empowers the State Government to provide to the Corporation, a sum not exceeding ten crores of rupees and sub-section (1) of section 18 of the Gujarat Backward Classes Development Corporation Act, 1985 empowers the State Government to provide to the Corporation, a sum not exceeding fifteen crores of rupees. In order to enable the State Government to provide, whenever necessary, larger sum of capital to the aforesaid Corporations, it was considered necessary to increase the said ceiling of the capital of all three Corporations to fifty crores of rupees.

For this purpose, a Bill called the Gujarat Development Corporations Laws (Amendment) Bill, 2000 was published with a view to introduce in the last session of the Gujarat Legislative Assembly but could not be taken up by the House for want of time.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Acts to achieve the aforesaid object.

**SUNDAR SINGH BHANDARI,
Governor of Gujarat.**

Gandhinagar,
Dated the 23rd December, 2000.

By order and in the name of the Governor of Gujarat

**R. M. PATEL,
Secretary to Government.**